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# Report of the Secretary-General on the United Nations Mission in the Sudan

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan, and resolution 1870 (2009), in which the Council requested me to develop benchmarks (see annex) for measuring and tracking progress in the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS), and to include in my report an assessment of progress made against those benchmarks, as well as any consequent recommendations regarding the configuration of the Mission. The report provides an assessment of the overall situation in the country since my previous report, dated 14 July 2009 (S/2009/357), as well as an update on the activities of UNMIS up to 15 October 2009.

## II. Security situation

2. The security situation in Southern Sudan remains unstable, particularly in Jonglei, Upper Nile and Lakes States, where as many as 54 clashes resulted in the deaths of at least 316 people during the reporting period and represented major security and human rights concerns in Southern Sudan. On 2 August 2009, inter-tribal tensions erupted when a group of Murle attacked Lou Nuer villages in Akobo County (Jonglei State); during the attack 161 people were killed and 29 were wounded. The majority of those killed were women and children. On 23 August, 66 people were killed in a cattle raid between the Luac and Dinka tribes in the area of Rumbek (Lakes State), including 15 members of the Southern Sudan Police Service and the Sudan People's Liberation Army (SPLA). In another cattle raid on 28 August, Lou Nuer tribesmen attacked a Dachuek village in Twic East County (Jonglei State), resulting in the deaths of 28 people, including seven SPLA soldiers, and the displacement of thousands of local civilians. On 4 September, suspected Shilluk tribesmen carried out an attack against a Dinka village north of Malakal (Upper Nile State), during which the entire village was burned to the ground and several people were abducted. On 18 September, approximately 1,000 Lou Nuer tribesmen from Wuror, Nyirol and Akobo Counties attacked Duk County, approximately 170 kilometres north of Bor, Jonglei State. The clashes reportedly resulted in 72 people being killed and 45 injured and the burning of 250 houses. On



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3 and 4 October, Dinka and Mundari tribesmen clashed near Juba (Central Equatoria State), killing 23 people and displacing approximately 1,700.

3. In addition to the inter-tribal violence, on 2 October in Bentiu (Unity State) a clash between the SPLA soldiers guarding the Deputy Commander's compound and those guarding the headquarters of the local Governor left 18 SPLA soldiers and 3 civilians dead and 40 people wounded.

4. During the reporting period, UNMIS received reports of Lord's Resistance Army (LRA) attacks in Western Equatoria State, in particular near food distribution sites. On 12 August 2009, LRA reportedly carried out an attack on Ezo town (120 kilometres north-west of Yambio) during which 17 people were reportedly abducted. After that attack, 29 international staff members from United Nations and international non-governmental organization operations in the area were relocated, and United Nations operations were temporarily suspended.

5. Also in Southern Sudan, banditry and criminality were reported in Central and Eastern Equatoria States. On 28 August 2009, a United Nations truck was attacked near Torit (Eastern Equatoria State), without any casualties. In response to that and other incidents of banditry, the regional security management team established a policy of armed escorts for staff movement as from 31 August 2009.

6. In Southern Kordofan on 2 August 2009, the Justice and Equality Movement (JEM) and Sudanese Armed Forces reportedly clashed in Babanusa, resulting in a number of deaths and injuries on both sides. According to a representative of the Sudanese Armed Forces, they lost two soldiers in the fight and five were injured. No report was received on JEM casualty figures.

## III. Political developments

7. With fewer than 18 months remaining until the referendums, and with national elections scheduled for April 2010, delays in the implementation of key Comprehensive Peace Agreement benchmarks continue to be of serious concern.

8. As I noted in my report on elections in the Sudan (S/2009/391), substantial preparatory work remains to be done to ensure free, fair and credible national elections. While the National Elections Commission has completed constituency delimitation based on the census results, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) continue to disagree over the use of the census results for elections. The new National Security Bill of 2009, a critical step towards a credible electoral process, has yet to be passed. In addition, the Criminal Procedures Amendment Act, signed into force on 9 July 2009, allows state governors or district commissioners to impose restrictions on campaigning by political parties.

9. In addition to the outstanding issues with respect to election preparations, NCP and SPLM have not reached final agreement on the Referendum Act, which is now 27 months behind schedule. Substantive discussions between SPLM and NCP on referendums and post-referendum arrangements are overdue.

10. In a positive development, on 22 July 2009 the Permanent Court of Arbitration at The Hague announced its decision on the Abyei boundary dispute, which both SPLM and NCP accepted fully. That decision constitutes a significant step in

Comprehensive Peace Agreement implementation and clears the way for further progress in implementing the Abyei Protocol.

11. The seventh Southern Sudan Governors' Forum was held in Juba from 10 to 15 August 2009, during which the Permanent Court of Arbitration award was discussed, together with the financial crisis, elections and referendums. Forum members were unanimous in their call for civilians in Southern Sudan to be disarmed, forcibly if necessary, by SPLM.

12. In response to an invitation from SPLM, the Chairman of the National Umma Party (NUP), Sadiq Al-Mahdi, led a high-level delegation to Juba from 3 to 6 September 2009 to discuss key national issues with SPLM. On 5 September, NUP and SPLM signed a Declaration of Principles outlining their common views on issues including democratic transformation, elections, the referendum, census results and Darfur. From 26 to 30 September 2009, approximately 20 Sudanese political opposition parties met in Juba to discuss key national issues, including the census, elections, reconciliation and development. At the conclusion of the conference, the parties stressed the importance of the Government's implementing democratic reforms ahead of the elections.

13. The tripartite mechanism, led by the Special Envoy to the Sudan of the United States of America and involving NCP and SPLM, met several times in Khartoum and Juba during the reporting period. That forum has provided an opportunity for the parties to recommit to the deadlines set out in the Comprehensive Peace Agreement, including for elections, referendums, popular consultations and border demarcation.

14. With regard to senior political appointments, on 13 August 2009, President Omer Hassan A. Al-Bashir issued a presidential decree appointing the Chief of the National Intelligence and Security Service, Lieutenant General Salah Abdallah (Gosh), as a Presidential Adviser. In June 2009, President Al-Bashir had appointed Ghazi Salah Al-Deen as Presidential Adviser, with responsibility for Darfur and the Comprehensive Peace Agreement.

## IV. Implementation of the Comprehensive Peace Agreement

### Abyei and border demarcation

15. NCP and SPLM have both accepted the decision of the Permanent Court of Arbitration on Abyei and have publicly stated their commitment to abide by and peacefully implement the decision. In this regard, the Presidency has appointed a boundary demarcation committee and reappointed the Abyei Area Administration and Council. UNMIS provided the parties with a base map and offered to provide logistical support for the demarcation process. However, the work of the Committee was significantly delayed owing to disagreements between its Northern and Southern members on the proceedings of the Committee and the way forward. The delays will not only affect the demarcation process, but also have an impact on military redeployment and the conduct of the elections and referendums. It is important to note that the decision of the Permanent Court of Arbitration placed the Higlig oilfields outside the Abyei Area. SPLM accepted that aspect of the decision, but it has since challenged the course of the 1 January 1956 border, arguing that

Higlig falls within Unity State in the South. The strategic importance of the Higlig oilfields may further complicate the border demarcation process.

16. In addition, the Misseriya leadership has expressed concerns about its future status under the Permanent Court of Arbitration decision and may refuse to cooperate with the implementation process. The Joint Integrated Unit in Abyei currently lacks the resources and support needed to secure the Abyei area and the Diffra oilfields, while the Abyei Administration is still in the process of recruiting a local police force to replace the Joint Integrated Police Unit. Financial support to the Abyei Administration is still outstanding after delays of more than one year. In a positive development, the Ministry of Finance has recently approved $10 million from the unity fund for the construction of 21 kilometres of roads within Abyei town.

17. The end of the rainy season in October may lead to an increase in Dinka Ngok and Misseriya returns to the Abyei Area, which could lead to further disputes over land, water and other resources. The beginning of the dry season coincides with the Misseriya seasonal migration through the Road Map Area, creating additional resource demands and potential for conflict. A successful migration will help assuage Misseriya fears regarding the Abyei authorities' commitment to their grazing rights; on the other hand, significant problems or violence could dramatically harden resistance and create major new obstacles to the upcoming elections and referendums.

18. In this context, UNMIS and the United Nations Development Programme (UNDP) facilitated a Dinka-Misseriya peace conference, which was held in Abyei town on 1 July 2009. The conference adopted an 11-point resolution acknowledging the role of UNMIS in fostering inter-tribal reconciliation and laid the foundation for a continuous reconciliation process. Following the decision of the Permanent Court of Arbitration, Dinka Ngok and Misseriya leaders also met with senior NCP and SPLM leadership in Khartoum and Juba to discuss their concerns and find ways to promote peaceful coexistence.

**Southern Kordofan and Blue Nile States**

19. In Southern Kordofan State, the parties have committed themselves to the integration of political, administrative, social, economic and security structures before 31 October 2009. A newly formed committee has been given the task of processing the integration of education workers from the former SPLM areas into the Kordofan State institutional structures. A similar committee is restructuring the State civil service. On 8 September 2009, the Governor of Southern Kordofan State dissolved the local Government and appointed new ministers, advisers and commissioners.

20. UNMIS is working closely with the recently established Reconciliation and Peaceful Coexistence Mechanism, a body composed of tribal and local government authorities, to address long-standing conflicts between the tribes in the area. A reconciliation conference was held in Southern Kordofan in August between the Angolo and Korongo Nuba tribes and was attended by 600 people representing SPLA, the Sudanese Armed Forces and native administration leaders.

21. In Blue Nile State, the process of integration of SPLM/A personnel into the National Police Service of the Government of the Sudan has been successfully

completed. At least 360 SPLA members, including 60 senior officers, have joined the police service, and 12 SPLA officers have been nominated for the National Intelligence and Security Service.

22. In consultation with the parties to the Comprehensive Peace Agreement and the assessment and evaluation commissions at the state level, UNMIS has adopted an approach in support of the popular consultations in Southern Kordofan and Blue Nile States, which are foreseen under the Comprehensive Peace Agreement to be an effective mechanism to ascertain the views of the people in transitional states on issues related to governance in their respective states. Through local experts in the field and focus groups with local communities, as well as by organizing an outreach campaign at the State level, the Mission continues to assist both parties in defining the concerns of the local population in the process of the implementation of the Comprehensive Peace Agreement, as well as establishing mechanisms to address identified shortcomings.

**Redeployment of Sudanese Armed Forces and SPLA forces**

23. On the basis of information provided at the 100th meeting of the Ceasefire Joint Monitoring Commission, SPLA redeployment from Blue Nile and Southern Kordofan States stood at 27.6 per cent, while Sudanese Armed Forces redeployment from the South was at 100 per cent, not including Blue Nile and Southern Kordofan States. However, in subsequent Ceasefire Joint Monitoring Commission meetings, the parties failed to agree on acceptance of SPLA figures.

**Joint Integrated Units**

24. Joint Integrated Unit strength is at 82.6 per cent of the mandated 39,639 troops. On 24 August 2009, at a joint meeting between the Ceasefire Joint Monitoring Commission and the Unit commanders, it was agreed that final verification of Unit strength would be conducted by 15 November 2009. UNMIS is currently conducting a quality assessment of the Joint Integrated Units and is focused on bringing levels of cohesion at the Unit and sub-Unit levels up to the required standards. In this context, UNMIS hosted a Joint Integrated Unit support coordination meeting on 1 October 2009, during which a working group on the Units was formed to take forward the assessment in close coordination with the donor community.

**National elections and referendums**

25. Following delays in election preparations according to the timeline announced by the National Elections Commission on 2 April 2009 (see S/2009/211), the Commission issued a revised electoral timeline in June 2009, calling for the elections to take place from 5 to 12 April 2010. The constituency delimitation process commenced in late June and all preliminary reports were submitted to the Commission by the end of July. The Commission distributed the reports to political parties at a meeting on 4 August and, on 5 August, to those, including SPLM, not present at the meeting. The Commission subsequently set 14 September as the deadline for receipt of objections to constituency delimitation. As at that date, the National Elections Commission had received over 500 objections, which it plans to review by the end of November 2009.

26. The National Elections Commission continues to have limited capacity at all levels. In addition to the nine commissioners, most of whom serve on a part-time

basis, and the Secretary-General, the Commission has 22 advisers and 40 technical and support staff at its headquarters, with additional advisers and staff still to be hired. The Southern Sudan High Committee in Juba currently employs five members, but has as yet received no clear instructions regarding the hiring of additional staff. The 25 State High Committees consist of five members and one returning officer each, and are in the early stages of hiring additional support and clerical staff.

27. The absence of an operational plan and a corresponding budget for the elections remains a significant challenge to election preparations. While 76 political parties, including NCP, which formally endorsed President Al-Bashir during the reporting period, have now registered with the Political Parties Affairs Council to take part in elections, the registration of internally displaced persons continues to be an important issue. As at 21 September, the National Elections Commission had finalized the voter registration plan for the upcoming registration exercise, which is due to commence on 1 November 2009.

28. As at 31 August, the Political Parties Affairs Council had registered 76 political parties, with as many as 20 applications pending. The Council has indicated that it will continue to receive and consider applications for registration up to and beyond the elections. UNMIS has urged the Council to establish, in consultation with the National Elections Commission, a clear deadline by which parties wishing to contest the 2010 elections would need to submit their applications for registration.

29. UNMIS continues to build its electoral assistance capacity, with approximately 93 per cent of the Mission's electoral assistance staff for the period 2008-2009 now having been recruited. Further details regarding specific preparations with respect to the police are discussed later in the present report (see para. 48). Regarding possible elections in Darfur, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) is supporting UNMIS work in Darfur under the terms of a memorandum of understanding between the two missions, principally through the provision of logistical support. The many challenges to holding credible elections in Darfur — foremost the political impediments to free and fair elections — will require substantial efforts by all stakeholders in the coming months.

30. Regarding election monitoring, several processes have been initiated. The Carter Center recently signed an agreement with the National Elections Commission setting out a common understanding of its observation activities. In addition, the European Union will send an assessment mission to the Sudan before the end of 2009 with a view to potentially providing a full European Union election observation mission in April 2010. The African Union is also planning to send a pre-election assessment team to the Sudan late in September in advance of an election observation mission. The National Democratic Institute for International Affairs has received funding from the United States Agency for International Development for election observation work and recently announced the formation of the Sudanese Network for Democratic Elections. In Darfur, UNMIS is working with the State High Committees to encourage local civil society organizations to observe the elections.

31. Regarding referendum preparations, on 9 July 2009 the Government of Southern Sudan, through the Ministry of the Presidency, requested United Nations assistance in connection with planning and administration, donor assistance, the preparation of voter lists, civil and public information and the monitoring of the

referendums. In order to address those issues, UNMIS is in the process of establishing a seven-person team to cover referendum preparations in the lead-up to January 2011.

**Wealth- and power-sharing**

32. According to a half-yearly report by the Petroleum Unit of the Ministry of Finance and Economic Planning of the Government of Southern Sudan, the total oil revenues of the Sudan for the period from January to June 2009 were $787.01 million, of which the shares of the Government of National Unity and the Government of Southern Sudan stood at $422.15 million and $364.86 million, respectively. In August 2009, the Government of National Unity paid back approximately $52 million to the Government of Southern Sudan that it had deducted unilaterally for the national election process over the latter's objection. All revenue arrears owed to the Government of Southern Sudan for the first half of the current year have also been settled. The 2 per cent share allotted to local Dinka Ngok and Misseriya, in accordance with the Abyei Protocol, continued to be transferred to separate accounts under the Abyei Area Administration and the Government of Southern Kordofan State, and in August 2009 the Ministry of Finance released 20 million Sudanese pounds to the Dinka Ngok.

33. In an agreement signed on 19 August 2009, parties to the Comprehensive Peace Agreement agreed to ask the Government of National Unity to request the International Monetary Fund to review the implementation of the two banking systems under the Central Bank. However, as at 1 October 2009, no request had been made. Furthermore, the National Land Commission has not been established, although the Bill relating to it was adopted in the National Assembly in April 2009.

34. The National Civil Service Commission mandated under the Comprehensive Peace Agreement, which was established to ensure adequate representation of the South in the National Civil Service, announced that only 1,000 positions in the Government of National Unity had been filled by southerners. That is approximately half of what is mandated under the Agreement.

## V. Implementation of other peace agreements

**The Darfur peace process**

35. The work of the mediation during the reporting period was directed at consultations with a broad range of stakeholders to prepare for the resumption of talks in Doha at the end of October, as well as supporting the unification efforts of the rebel groups in the Libyan Arab Jamahiriya and Ethiopia. On 7 September 2009, the African Union-United Nations Joint Chief Mediator, Djibrill Bassolé, and the Minister of State for Foreign Affairs of Qatar, Ahmed Bin Abdullah Al-Mahmoud, issued a joint statement welcoming the Libyan-led effort to unify the Tripoli Group and the United States-led unification of various SLA factions in Addis Ababa, as well as expressing their hope that the rebel groups would reach a common platform ahead of the next round of talks in Doha. On 16 September, the Tripoli Group issued a statement indicating that it would unify as the Sudan Liberation Revolutionary Forces in order to negotiate from a common platform in Doha. However, as at 25 September 2009, issues related to the leadership of the group had caused several elements to leave Tripoli. In further preparation for the next round of talks, on

24 September the Government of Qatar convened a ministerial-level meeting of the Steering Committee of the League of Arab States and the African Union in the margins of the General Assembly to discuss the Darfur peace process, including reunification efforts by the rebels, and the upcoming elections in the Sudan. The meeting issued a communiqué expressing support for the mediation on 24 September 2009. The next round of talks in Doha is currently scheduled for the end of October 2009.

**Eastern Sudan Peace Agreement**

36. The political and security situation in Eastern Sudan remains calm. After nearly 10 months, the High Joint Committee, tasked with monitoring the implementation of the Eastern Sudan Peace Agreement, held its sixth meeting on 11 August 2009, focused on funding and the work of the Eastern Sudan Reconstruction and Development Fund. While the Eastern Sudan Peace Agreement stipulates that the Government of National Unity shall allocate an amount equivalent to $100 million as seed money for the Eastern Sudan Reconstruction and Development Fund and an amount of not less than $125 million per annum for four years (2008 to 2011), only $85 million was actually transferred to the Fund and disbursed equally to all three eastern states for recovery and development projects relating to education, water and health.

# VI. Implementation of the mandate of the United Nations Mission in the Sudan

37. The present section contains information on the implementation of the mandate of UNMIS and progress made towards the benchmarks set out in the annex.

**Good offices, conflict management, reconciliation and peacebuilding**

38. Throughout the reporting period, my Special Representative maintained a constant dialogue with the Sudanese political leadership and key Sudanese and international stakeholders in the peace process.

39. On 22 July 2009, in anticipation of the Permanent Court of Arbitration decision on Abyei, my Special Representative met with the Ministers for Foreign Affairs and the Interior of the Sudan, the United States Special Envoy for the Sudan and several ambassadors in Abyei town as the decision was announced.

40. With insecurity increasing in Jonglei and Upper Nile States, UNMIS worked in close collaboration with the Government of Southern Sudan and the state governments to implement the Jonglei Stabilization Plan with a view to enhancing civilian protection activities in the region. As part of this approach, UNMIS established two temporary operating bases at Akobo and Pibor (Jonglei State) from 13 May to 24 July 2009, and discussions are ongoing regarding the possible use of additional temporary operating bases in the region. To address the problem of accessibility in areas without roads, numerous patrols have been launched by boat from Nassir, along the Sobat corridor. Additionally, UNMIS supported the efforts of the Southern Sudan Peace Commission to begin the peacebuilding process in Jonglei State with tentative plans for a forthcoming Lou Nuer-Murle peace conference.

41. UNMIS is supporting a reconciliation initiative between the Shilluk and the Dinka in Upper Nile State, including work with the Southern Sudan Peace Commission to implement a two-track approach: grass-roots peace initiatives and Juba-based reconciliation meetings with politicians and community leaders. UNMIS is also working closely with the 10 Southern states and the Government of Southern Sudan Bureau of Community Security and Small Arms Control to monitor civilian disarmament initiatives in an effort to avert a disarmament campaign that could exacerbate insecurity in Southern Sudan.

**Military deployment and activities**

42. As at 22 September 2009, 9,275 of the authorized 10,000 UNMIS military personnel were deployed in the Sudan, including 483 military observers, 193 staff officers and 8,599 troops. Regular operations continued throughout the reporting period, including the provision of support to the Comprehensive Peace Agreement ceasefire mechanisms and joint patrols of military observers and the parties' national monitors. The military component has begun working with the Electoral Assistance Division to develop an elections security assessment and to determine the military's support requirements.

43. In July 2009, Operation Guardian was launched, which involved the redeployment of additional United Nations forces from Sectors II and III into Abyei to provide a strong United Nations presence during the period prior to and after the Permanent Court of Arbitration announcement. Those forces are currently in Abyei and they will redeploy to their original sites as additional troops are brought into the area in the coming months.

**Police**

44. As at 15 September 2009, UNMIS had deployed 93 per cent of its mandated police strength of 715 (666 police advisers, including 82 women) to 22 sites throughout the Mission area.

45. UNMIS police continued to train local police, in particular through the successful implementation of the UNMIS Police Training Package 2009-2010. During the reporting period, 2,236 police officers, including 317 women, were trained in effective police work, including in programmes in Kassala, El Obeid and Port Sudan. Training relating to gender and child protection, human rights and community policing has resulted in the improved performance of the Sudanese police in handling public complaints and in assisting vulnerable persons and juveniles. However, the absence of a clearly defined training policy or commitment to the training programme by the Southern Sudan Police Service and the Government of the Sudan police continues to pose challenges to an effective police presence in the region.

46. In order to assist the Southern Sudan Police Service in creating a climate of optimum resource utilization, better financial management and accountability, the United Nations police conducted the second phase of asset management training. The United Nations police also participated in the UNMIS Jonglei stabilization and conflict-mitigation measures through the deployment of police advisers in Pibor and Akobo.

47. Community policing training was extended to the Dar es Salaam, Wad al-Bashir and Jebel Aulia camps in Khartoum to bridge the gap between the internally displaced person community and the police and to promote security and safety in communities of internally displaced persons.

48. During the reporting period, the United Nations police developed and commenced election security training and support as approved by the Government of the Sudan police and the Southern Sudan Police Service. More than 160 United Nations police master trainers, UNAMID police trainers and five Language Assistants were trained in election security duties. Thus far, the Government has not formalized a request for 100 additional police officers to assist during the elections. As I stated in my report on elections (S/2009/391), it will be important for the Government of National Unity and the National Elections Commission to finalize and approve the budget and operational plan for the electoral process as a matter of urgency.

**Disarmament, demobilization and reintegration**

49. The disarmament, demobilization and reintegration programme reached a key milestone on 9 August 2009 with the successful completion of the first demobilization exercise in Blue Nile State, during which 5,443 participants were demobilized. The fourth disarmament and demobilization operation was also launched on 5 August 2009 in Southern Kordofan. As at 31 August 2009, a total of 12,650 participants had been demobilized in the Sudan. All candidates received their reinsertion packages, including cash, non-food items and coupons for World Food Programme food rations for three months. The Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions are currently examining the establishment of another joint disarmament, demobilization and reintegration office in Abyei with the assistance of the United Nations. Preparations for the reintegration of the demobilized persons in the Three Areas and Southern Sudan are ongoing.

**Return and reintegration**

50. With the onset of heavy rains in most areas of return and along principal return routes, internally displaced person and refugee returns continued at a reduced but steady rate. During the last quarter of 2009, a total of 8,142 spontaneous returnees have been tracked by the International Organization for Migration at a major transit hub in Kosti. The available estimates indicate that well over 1.9 million internally displaced persons have spontaneously returned to their places of origin since the signing of the Comprehensive Peace Agreement, particularly in the Three Areas and Southern Sudan. However, inter-ethnic violence in particular has contributed to further displacement and, in some cases, secondary displacement of returnees. Limited absorption capacities have also increased competition for available resources. The number of internally displaced persons whose return was organized under the joint plan stood at approximately 9,100 individuals for 2009 and at over 91,000 cumulatively since 2005.

51. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that a total of 171,154 refugees had been repatriated through programmes organized and assisted by the Office, of whom 31,789 had arrived since the beginning of 2009. With the comparable number of spontaneous movements from

the neighbouring countries, the total for all refugee returns since the signing of the Comprehensive Peace Agreement reached 327,984. Taking into account cumulative movements of internally displaced persons, including large-scale spontaneous returns, it was estimated that more than 2.4 million Sudanese (including spontaneous and organized returns) had reached their home areas in Northern and Southern Sudan by the end of July 2009.

**Recovery and development**

52. In Southern Sudan, the humanitarian situation has deteriorated sharply and inter-tribal violence and attacks by LRA have resulted in the displacement of approximately 250,000 people, including 25,000 refugees who have fled the Democratic Republic of the Congo and the Central African Republic since January 2009. The situation faced by communities affected by inter-tribal fighting in Upper Nile, Eastern Equatoria, Warrap, Jonglei and Northern Bahr El Ghazal has been further aggravated by high cereal and low livestock prices and poor rainfall during the rainy season. Consequently, as many as 1.5 million people are facing severe food insecurity between August and December 2009 and malnutrition rates are rising in some of the most vulnerable areas.

53. The current budgetary crisis in Southern Sudan, the result of falling oil prices and revenues and the global economic downturn, continues to hamper the anticipated transition from humanitarian to early-recovery programming. While United Nations agencies and partners continue to proactively respond to the evolving context — which includes working closely with the Government of Southern Sudan to develop a fiscal package in response to the budget crisis — the emergence of critical gaps in the provision of essential services remains a significant risk. United Nations agencies, together with non-governmental organization partners, have scaled up their operations in support of efforts by local authorities to stabilize the situation in affected areas. As part of this effort, United Nations agencies issued an emergency action plan to address the food gap, requiring an additional total amount of $57,155,456. The United Nations country team is actively involved in mobilizing voluntary contributions to support efforts by local authorities to stabilize the situation in affected areas.

**Human rights**

54. On 20 August 2009, UNMIS and the Advisory Council for Human Rights of the Government of the Sudan co-chaired the third meeting of the Human Rights Forum in Khartoum. The Advisory Council presented its position on the pending appointment by the United Nations Human Rights Council of an independent expert on the situation of human rights in the Sudan. The appointment of commissioners to serve on the new National Human Rights Commission in Northern Sudan was also discussed. UNMIS emphasized that candidates must be selected in a transparent, inclusive and participatory manner. Concerns about lack of progress on other serious human rights issues, including the status of persons detained following the JEM attacks, harassment of human rights defenders and lack of access to prisons in Northern Sudan, were also raised.

55. The Press and Printed Materials Act came into force in Northern Sudan in July 2009. Despite the improvements made during the drafting process, and a 16 September announcement by President Al-Bashir that equal space be allocated to

the media institutions of all political parties, concerns remain about serious restrictions on freedom of expression and the powers of the supervisory body, especially given the upcoming elections. New media laws for Southern Sudan are still pending approval by the National Legislature.

56. In addition, the large-scale loss of civilian life in parts of Southern Sudan and the Three Areas, discussed earlier in the present report (see sect. III above), has been exacerbated by the lack of mechanisms at the local and State levels to address killings and other crimes.

57. Regarding the trial of former UNMIS staff member, Lubna Hussein, on 7 September 2009 the Northern Khartoum Criminal Court found Ms. Hussein guilty of "immoral or indecent dress" and imposed a fine of approximately $250.

**Rule of law**

58. The National Assembly was in recess for the duration of the reporting period. UNMIS continues to monitor and support the legislative reform process, including through a comprehensive legislative tracking report, which will be updated regularly. Support for the drafting of the Referendum Bill is continuing to be provided through consultations with the members of the National Constitutional Review Commission.

59. As part of its assistance aimed at ensuring free, fair and credible elections, UNMIS conducted a workshop on the monitoring mechanisms of the National Elections Act 2008 for judges, prosecutors and police professionals. Four more election workshops are planned for 2009 on voter registration and judicial, civil society and security issues.

60. UNMIS provided advisory support to the Ministry of Legal Affairs and to the specialized committee of the Southern Sudan Legislative Assembly on the Southern Sudan Police Bill. The Police Bill was passed by the Southern Sudan Legislative Assembly at the beginning of October 2009. In addition, UNMIS and UNDP completed an analysis of rule-of-law institutions in Jonglei State as part of the Jonglei Stabilization Plan.

61. In addition to ongoing support to the prisons in Omdurman, Ed Damazin and Port Sudan, a new project for the detention facility in Abyei is due to start, including the construction of two extra wards for women and juveniles as well as police training. Training support and co-location of advisers continues in eight states in the South.

**Child protection**

62. More than 200 children who were abducted during incidents of inter-tribal violence in Jonglei State since January 2009 have not been returned to their families. In August 2009, local police for the first time arrested suspected child abductors in Jonglei State and rescued 12 children from captivity. The children are currently being housed by the Pibor County Commissioner pending family identification and reunification in the Sudan and Ethiopia.

63. Efforts are under way by UNMIS and the United Nations Children's Fund to secure the signing of an action plan by armed forces in the Sudan for the release and

reintegration of children associated with armed forces and groups, as required by Security Council resolution 1612 (2005).

64. Despite the ongoing military operations against LRA, the armed group continues to abduct children in Southern Sudan. While state authorities in Central and Western Equatoria have worked to prevent abductions, the cross-border transfer of children escaping from LRA remains a major challenge which will require substantial intergovernmental, inter-mission and inter-agency cooperation involving the Sudan, the Democratic Republic of the Congo, Uganda and the Central African Republic.

**Public information**

65. UNMIS organized regular press briefings primarily focused on the humanitarian and security situation in Southern Sudan. International and local media were briefed on the rising insecurity, UNMIS interventions and humanitarian response efforts. A special press briefing for both Khartoum- and Juba-based media was organized on UNMIS support for elections.

66. Despite the increasing need for a nationwide independent broadcast media outlet, in particular in the lead-up to elections, United Nations-sponsored Radio Miraya has yet to be assigned an FM frequency in Northern Sudan. The UNMIS Public Information Office outreach unit launched a peace culture education programme in collaboration with the Ministry of Education, Khartoum State, in July 2009, involving a series of activities centred around elections, civic education and Comprehensive Peace Agreement-related activities for senior school students. During the month of August 2009, the outreach unit conducted a three-day workshop on elections and the status of the implementation of the Comprehensive Peace Agreement for 125 government officials and civil society members in Kassala State.

67. UNMIS provided photographs and video footage to local and international media covering developments on Abyei and tribal conflicts in the South and carried out an information campaign in the Abyei area in collaboration with the Abyei Area Administration prior to the Permanent Court of Arbitration ruling.

**Mine action**

68. Since the beginning of its activities in the Sudan, UNMIS mine action teams have opened a total of 33,686 kilometres of road, cleared 54,170,814 square metres of land, destroyed 18,911 mines and 834,463 items of unexploded ordnance and provided mine-risk education to 2,832,710 people in affected areas and to internally displaced persons in camps and way stations.

69. With the rainy season limiting demining operations during the reporting period, the focus was on the recruitment and training of deminers and the prioritization of routes and areas to be cleared in the dry season, in collaboration with United Nations agencies, state governments, non-governmental organizations and UNMIS. During the reporting period two minefields at Al Lafa in Kassala State were demined; the site is to house 2,500 displaced persons who were affected by the conflict in the area. Mine action teams also completed a survey and clearance relating to a new access road for an official border crossing between the Sudan and Eritrea, as well as the clearance of minefields in Central Equatoria State.

### Conduct and discipline

70. Compliance by all categories of personnel with the United Nations code of conduct and zero tolerance policy on sexual exploitation and abuse remains very high. Three incidents of serious misconduct were reported during the period under review.

71. In partnership with national counterparts from the Ministries of Gender and Social Development in the South and non-governmental organizations, UNMIS organized two outreach campaigns in Southern Sudan, which were attended by more than 600 people. The campaign aimed to raise the awareness of local leaders, women, youth and civil society organizations regarding issues of sexual exploitation and abuse.

### Gender

72. During the reporting period, an UNMIS-chaired coordination mechanism was established to coordinate activities in the area of women's participation in elections. The group includes representatives from the United Nations country team and UNAMID. UNMIS continued to provide technical support to ministries of the Government of National Unity and the Government of Southern Sudan, as well as at the state level, on the promotion of gender equality, gender mainstreaming and the mitigation of gender-based violence in the context of Security Council resolutions 1325 (2000) and 1820 (2008). UNMIS also provided technical assistance to the Unit for Combating Violence against Women of the Sudanese Ministry of Justice in preparing the draft National Action Plan on Violence against Women for the northern states of the Sudan.

### HIV/AIDS

73. UNMIS continues to support the integration of HIV/AIDS awareness in the disarmament, demobilization and reintegration programme and has provided HIV/AIDS sensitization for over 1,250 United Nations peacekeepers. During the reporting period, HIV/AIDS regional committees provided HIV/AIDS awareness courses to 527 national participants, including police, schools, women and local communities.

### Staff security

74. A principal focus of UNMIS during the reporting period was to support contingency planning in anticipation of the announcement by the Permanent Court of Arbitration on Abyei. An integrated security contingency plan was developed in preparation for the announcement in conjunction with that of the United Nations police and military, and additional security officers were deployed to the area to support United Nations agencies and international non-governmental organizations.

75. UNMIS also carried out electoral security assessment missions throughout the northern and eastern states of Sudan, including many areas with only limited or no United Nations presence to date. The findings of those missions will be used in support of the deployment of election teams to assist local authorities with preparations for the 2010 elections.

## VII. Financial aspects

76. The General Assembly, by its resolution 63/273 B, appropriated for the maintenance of UNMIS for the period from 1 July 2009 to 30 June 2010, an amount of $958.4 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2010, the cost of maintaining the Mission until 30 June 2010 would be limited to the amounts approved by the General Assembly. As at 31 August 2009, unpaid assessed contributions to the Special Account for UNMIS amounted to $397.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $3,741.3 million. Reimbursement of troop-contributing Governments for troop- and contingent-owned equipment costs has been made for the periods up to 31 December 2008 and 30 September 2008, respectively.

## VIII. Observations

77. While some progress has been made on the implementation of the Comprehensive Peace Agreement, important benchmarks have not been reached. The key outstanding issues — most notably elections and the referendums — are highly sensitive and will have the greatest impact on Sudanese political life. Resolving those issues will require deep commitment and extraordinary efforts by the parties. In this regard, I am concerned about the quality of the dialogue between the two parties. The key to the implementation of the Comprehensive Peace Agreement remains the relationship between NCP and SPLM, and the Agreement must be implemented in spirit as well as according to the letter if the immense work undertaken is to be sustainable. I encourage the parties to strengthen their partnership and work in good faith to overcome the final obstacles.

78. I welcome the renewed international attention focused on the Comprehensive Peace Agreement, which remains the cornerstone of peace, stability and democratic transformation in the Sudan. I encourage members of the international community to intensify their engagement with the parties and other key stakeholders in the crucial time remaining. I also encourage the international community to approach the Sudan as a whole and to take into consideration the link between progress on the implementation of the Comprehensive Peace Agreement and the Darfur peace process.

79. I welcome the involvement of the Special Envoys in the task of the implementation of the Comprehensive Peace Agreement and the progress made in the tripartite mechanism involving the United States, NCP and SPLM. I also welcome the parties' commitments on a variety of issues and the momentum that the new initiative has created. Significant effort is needed from the parties if they are to meet their renewed commitments and the tight deadlines that have been agreed upon.

80. I congratulate the parties on the successful completion of the Abyei arbitration process, and welcome their commitment to cooperate on the peaceful implementation of the decision. I also note the engagement of UNMIS, the United Nations country team in the Sudan and the international community with the people of Abyei, helping to prevent violence from occurring in response to the decision. The potential for serious conflict in Abyei remains, however, and continued stability

will require the parties to address a wide range of imminent challenges, including the demarcation of the Abyei Area; the formation of the Abyei Referendum Commission; the funding of the Abyei Area Administration; the realization of peace dividends; and the sustainable return of the displaced population. In this regard, the upcoming seasonal migration will be the first test. The parties must work towards eliminating any prospects of conflict to assure the local communities on both sides that borders do not have to be barriers and that peaceful coexistence is possible irrespective of the result of the Abyei referendum in 2011.

81. I am concerned that, in their current state of deployment, the Joint Integrated Units cannot fulfil their functions as foreseen in the Comprehensive Peace Agreement, in particular with respect to neutrality, security and acting as a symbol of unity. On the contrary, the Joint Integrated Units have sometimes themselves been the source of conflict, as highlighted by the previous violent clashes between the two components in Abyei and Malakal. While one cause of the problem is underlying grievances in the communities where the Joint Integrated Units are deployed, inadequate living and training conditions have led to heightened tensions and a higher risk of further clashes. In addition to the work already being done by UNMIS and the donor community to alleviate some of those shortcomings and improve the dialogue on cooperation within the Joint Integrated Units, additional support from the international community and a firm commitment by NCP and the Government of Southern Sudan to bring the Joint Integrated Units up to the necessary standards is urgently needed.

82. Elections in the Sudan are a crucial benchmark in the implementation of the Comprehensive Peace Agreement. I stress that elections in the Sudan must be seen as part of a larger process of democratic transformation and therefore require a long-term commitment from all stakeholders. I am concerned that the ongoing dispute over the use of the census results threatens the success of the electoral process, and I urge the parties to come to a resolution on those issues through an exercise of political will.

83. Coming to an agreement on how to proceed with elections will also allow the parties to give the requisite attention to preparations for the referendums in 2011. These elections, first and foremost, must be credible in the eyes of the Sudanese people. In this context, concerted efforts must be made to ensure the meaningful participation of all groups in the Sudan, especially internally displaced persons and the populations in Darfur and Eastern and Southern Sudan. The challenges in this regard are primarily political — although technical and security-related matters must also be addressed — and I urge the parties to take concrete steps at the political level to guarantee a credible electoral process and an accepted outcome.

84. I am increasingly concerned about the delays in preparations for the referendums in Southern Sudan and Abyei. The timeline of the referendums, and thus their quality and credibility, is at stake. I urge the parties to pass the required referendum bills. Furthermore, long-term peace and stability will not be possible without an agreement on the post-referendum arrangements. I urge the parties to engage in substantive discussions in this regard, irrespective of the outcome of the referendums in 2011.

85. Similarly, in order to continue supporting the work of the assessment and evaluation commissions in Southern Kordofan and Blue Nile States, progress must now be made on the popular consultation process and the outcomes must be

addressed in accordance with the Comprehensive Peace Agreement. This opportunity must not be missed.

86. The apparent targeting of unarmed civilians during the series of tribal attacks and counter-attacks this year is of grave concern, as are the reports of widespread proliferation of arms in Southern Sudan. I call upon the Government of Southern Sudan to strengthen its efforts to end recurring violence and to bring those responsible to justice. In addition, I call on the groups involved to find peaceful means of settling grievances. UNMIS has been working closely with the humanitarian community to address increased humanitarian needs and to facilitate dialogue with and between the opposing sides. The Mission remains ready to provide ongoing support within its mandate and capabilities. As members of the international community, we must continue to assist the Government of Southern Sudan to stabilize the humanitarian situation and build its capacity to manage conflict and provide stability in the region. Further, the urgent delivery of human, material and financial resources for relief operations, in particular food, is essential to ensure that malnutrition rates and related diseases do not increase the suffering of the already vulnerable displaced people. A humanitarian crisis, as a result of growing insecurity, risks undermining the implementation of the Comprehensive Peace Agreement and reversing gains achieved in the South.

87. I remain concerned about the outstanding issues impeding the work of the Border Commission. The lack of resolution on these issues carries wide-ranging ramifications for the implementation of the Comprehensive Peace Agreement — most notably for elections and the referendums. I urge the parties to expedite this process in view of the implications for other crucial Comprehensive Peace Agreement benchmarks.

88. Despite the significant progress in disarmament, demobilization and reintegration, the United Nations faces a significant funding shortfall for the reintegration of the first caseload of 64,000 participants. Furthermore, the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions are struggling to meet their daily operational costs, which has the potential to slow down implementation on the ground. I appeal to the international community and the parties to ensure adequate funding for all components of the disarmament, demobilization and reintegration programme.

89. The coming 18 months will pose enormous challenges for the people of the Sudan, and how those challenges are met will largely determine the future of the country. The elections and the referendums are exceptionally difficult processes that will test the capacity of all stakeholders, and there is a significant risk that they could lead to further instability in the Sudan. But this moment is also an opportunity for the democratic transformation of the Sudan and, if the parties are able to overcome the current obstacles, the people of the Sudan can take a critical step towards the realization of political equality, economic development and human rights. Every effort is being made to ensure the success of the Comprehensive Peace Agreement going forward, but there are singular shortcomings that can be addressed only through substantial dialogue between the parties. I urge the Council, the international community and the stakeholders in the future of the Sudan to dedicate all of our efforts to ensuring that the Comprehensive Peace Agreement moves forward in a peaceful and sustainable manner.

90. Finally, I wish to express my gratitude to my Special Representative, Ashraf Jehangir Qazi, all United Nations staff working in the Sudan and Member States, especially troop- and police-contributing countries and donors, for their determined efforts to support UNMIS and the implementation of the Comprehensive Peace Agreement.

# Annex I

## Revised benchmarks and indicators of progress for the period 2009-2011

The United Nations Mission in the Sudan (UNMIS) is mandated by the Security Council to assist and support, through its good offices, the parties to the Comprehensive Peace Agreement in the peaceful implementation of the Agreement. Implementation of its mandate is thus linked to the commitment of the parties to the Comprehensive Peace Agreement process and their progress achieved in implementing its provisions. Key benchmarks towards the implementation of the Comprehensive Peace Agreement, including benchmarks that have been met since the signing of the Agreement, are identified below.

### I. Ensuring security and stability

**Benchmark**: a secure environment in the Sudan facilitated by downsized armed elements, mechanisms to address inter-tribal conflict, redeployment of North-South forces, fully operational Joint Integrated Units and functional disarmament, demobilization and reintegration processes

Requirements for progress would include serious commitment by all parties to cease hostilities, increased access to remote areas subject to inter-tribal conflict and strong international assistance to increase Government of Southern Sudan capacities to manage conflict

| *Year* | *Indicators of progress* |
|---|---|
| **2005-present** | • Ceasefire in place, supported by establishment of Ceasefire Political Commission, Ceasefire Joint Monitoring Commission, and Area Joint Military Committees (April-August 2005) |
| | • 100 per cent redeployment of the Sudan People's Liberation Army (SPLA) from Eastern Sudan to the South (April 2006) |
| | • Other armed groups officially disbanded (March 2006) |
| | • National Disarmament, Demobilization and Reintegration Coordination Council established, supported by Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions (February-June 2006) |
| | • Agreement by parties on roles of Northern and Southern Disarmament, Demobilization and Reintegration Commissions, respectively (February 2009) |
| | • Joint signature of multi-year disarmament, demobilization and reintegration project document by the Government of National Unity, the Sudan People's Liberation Movement (SPLM) and the United Nations (June 2008) |
| **October 2009-October 2010** | • Parties agree and adopt policies on proportional downsizing |
| | • Increased redeployment of North/South forces (SPLA at 27.6 per cent August 2009) |

| | |
|---|---|
| | • Agreement between the National Congress Party (NCP) and SPLM on redeployment figures |
| | • Increased integration of Joint Integrated Units |
| | • Approval by the Presidency and Joint Defence Board on measures to address Joint Integrated Unit shortcomings and deploy them as stipulated in the Comprehensive Peace Agreement |
| | • Implementation of UNMIS protection of civilians strategy (concept signed in August 2009) |
| | • United Nations monitoring and verification without denial of access |
| | • Strengthened Government of Southern Sudan institutions and policies to ensure protection of civilians |
| | • First disarmament, demobilization and reintegration caseload processed by June 2010 |
| | • Increased disarmament, demobilization and reintegration processes in all parts of Southern Sudan |

## II. Elections

**Benchmark**: free, fair and credible elections are held in the Sudan in accordance with the timeline set by the Comprehensive Peace Agreement

Requirements for progress would include substantial improvements in the election preparations by the National Electoral Commission, legislative changes to ensure freedom of press and assembly, resolution of outstanding registration issues and a security environment conducive to elections

| *Year* | *Indicators of progress* |
|---|---|
| **2007-present** | • Adoption of Political Parties Act (February 2007) |
| | • Adoption of National Elections Act (July 2008) |
| | • Establishment of National Electoral Commission (November 2008) |
| | • Completion of population census (May 2008) |
| | • Constituency delimitation (August 2009) |
| **October 2009-April 2010** | • Agreement on use of census results in the election |
| | • National Electoral Commission fully operational in the Sudan |
| | • Voter registration conducted within timeline |
| | • Electoral plan and budget approved with time to allow donor assistance |
| | • Polling preparations completed |
| | • Secure environment during conduct of elections to ensure political space |
| | • Election preparations meet conditions laid out in Secretary-General's report (S/2009/391) |

## III. Referendums

**Benchmark**: referendums are conducted within the timeline of the Comprehensive Peace Agreement, following substantive agreement by NCP and SPLM on post-referendum arrangements, regardless of the result, and take place in a secure, stable environment

Requirements for progress would include increased trust and confidence between NCP and SPLM, dialogue on post-referendum arrangements, and substantial support from the international community and regional partners to facilitate the referendums

| *Year* | *Indicators of progress* |
|---|---|
| **September 2009** | • Referendum law under consideration by the parties |
| **October 2009-January 2011** | • Agreement and passage of Referendum law by end 2009 |
| | • Referendum Acts adopted by the National Assembly by end 2009 |
| | • Southern Sudan and Abyei referendum commissions established by end 2009 |
| | • Post-referendum arrangements are finalized between NCP and SPLM |
| | • Referendums in Southern Sudan and Abyei are held in accordance with Comprehensive Peace Agreement provisions by January 2011 |

## IV. Implementation of Comprehensive Peace Agreement Protocols

**Benchmark**: full implementation of the Protocol on the Three Areas, the Abyei Protocol and the Protocol on Southern Kordofan and Blue Nile, as well as completion of the North-South border demarcation

Requirements for progress would include sustained political will on the part of the National Congress Party and the Southern People's Liberation Movement to implement the Protocols, increased stability in the region, agreement on power-sharing modalities following the 2010 elections

| *Year* | *Indicators of progress* |
|---|---|
| **2005-present** | • Establishment of the Presidency of the Government of National Unity, Council of States, National Assembly, Government of Southern Sudan, Southern Sudan Council of Ministers and the Assessment and Evaluation Commission (2005) |
| | • State Assemblies established in Southern Kordofan and Blue Nile (December 2005) |
| | • State governments established according to Comprehensive Peace Agreement Protocols in Blue Nile (December 2005) and Southern Kordofan (March 2006) |
| | • Assessment and Evaluation Commission established in Southern Kordofan and Blue Nile (July 2007) |

| | |
|---|---|
| | • Establishment of National Civil Service Commission (July 2007) |
| | • Interim Abyei area administration established (October 2008) |
| | • Abyei Council established (October 2008) |
| | • Abyei Demarcation Committee established (August 2009) |
| | • Permanent Court of Arbitration award on Abyei accepted by parties (August 2009) |
| **October 2009-October 2010** | • Agreement by parties on timeline for implementation of Protocol in the Three Areas |
| | • National civil service posts filled in the Three Areas |
| | • Integrated civil service operations commence in the Three Areas in accordance with the Comprehensive Peace Agreement timeline |
| | • Integration of former closed areas in Southern Kordofan and Blue Nile |
| | • Popular consultations in Southern Kordofan and Blue Nile, in accordance with the Comprehensive Peace Agreement |
| | • Peaceful implementation of Permanent Court of Arbitration ruling on Abyei |
| | • Provision of adequate budget for Abyei Administration |
| | • Functional Abyei Administration provides services to local population |
| | • Security and conflict-mitigation measures in place in the Three Areas, Southern Kordofan, Blue Nile and Abyei |
| | • Fully functional Technical Border Committee and submission of report on border demarcation submitted to the Presidency |
| | • Physical demarcation of North-South border completed |

## V. Wealth-sharing

**Benchmark**: full implementation of the wealth-sharing provisions of the Comprehensive Peace Agreement

Requirements for progress would include sustained political will on the part of NCP and SPLM to implement the wealth-sharing protocols

| *Year* | *Indicators of progress* |
|---|---|
| **2005-present** | • National Petroleum Commission established (October 2005) |
| | • Joint Technical Committee for Monitoring, Calculating and Sharing of Oil Revenue established (February 2006) |
| | • Southern Sudan Land Commission established (April 2006) |

| | |
|---|---|
| | • Signature of Abyei Road Map (June 2008) |
| | • National Land Commission Law (April 2009) |
| **October 2009-October 2010** | • Continued transfer of 50 per cent of oil revenues to the Government of Southern Sudan (ongoing since January 2005) |
| | • Ongoing disbursement and retrieval of funds to Southern Kordofan and Warrab States, and transfer of oil revenue shares for Dinka Ngok and Misseriya, in accordance with the Comprehensive Peace Agreement |
| | • Implementation of agreements on sharing of non-oil revenue |
| | • Full funding of Abyei Administration |
| | • Establishment of National Land Commission |
| | • Agreement between SPLM and NCP on modalities for revenue-sharing post-referendum |

## VI. Humanitarian recovery and development

**Benchmark**: prevention of further decline in living conditions in Southern Sudan, delivery of basic services to vulnerable populations, tangible improvements in the standard of living and the conditions for economic recovery and development

Requirements for progress would include dramatic increase in the capacity of the Government of Southern Sudan to deliver basic services and manage violence, commitment by the stakeholders to prevent further conflicts and coordinated financial support by the donor community

| *Year* | *Indicators of progress* |
|---|---|
| **2005-present** | • National Reconstruction and Development Fund established (April 2005) |
| | • Establish High-level Government of National Unity Committee on internally displaced person returns (July 2007) |
| | • Approximately 2 million displaced Sudanese returned to their homes since signing of the Comprehensive Peace Agreement |
| **2009-2011** | • Continued funding of the National Reconstruction and Development Fund |
| | • Implementation of ongoing infrastructure projects |
| | • Increase in the number of displaced Sudanese returning to their homes in a voluntary, sustainable manner |
| | • Complete implementation of state-level action plans for the return and reintegration of displaced refugees by end of 2010 |
| | • Access for the Government of Southern Sudan, international non-governmental organizations and UNMIS to populations in need of relief, recovery and development |

| | |
|---|---|
| | • Development and implementation of an integrated Mission/United Nations country team strategy for stabilization of high-risk states by end 2012 |

## VII. Human rights and rule of law

**Benchmark**: establishment of a credible police, judicial and penal system that respects and upholds basic human rights

Requirements for progress would include prioritization by the parties to the Comprehensive Peace Agreement to improve the judicial and penal systems, strong international support for the establishment and development of rule of law institutions and provision of funds by the international community

| *Year* | *Indicators of progress* |
|---|---|
| **2005-present** | • National Constitutional Review Commission established (July 2005) |
| | • Adoption of Interim National Constitution (July 2005) |
| | • Adoption of interim Southern Sudan Constitution (December 2005) |
| | • National Judicial Service Commission established (December 2005) |
| | • Special Commission for the Protection of the Rights of Non-Muslims in the National Capital established (August 2006) |
| | • Southern Sudan Police Bill passed (October 2009) |
| **2009-2011** | • Implementation of Human Rights Commission Law by the National Assembly (passed April 2009) |
| | • Implementation of Press and Printed Materials Act, and Criminal Procedures Amendment and Act by the National Assembly (adopted May 2009) |
| | • Implementation of the Police Act and Armed Forces Act by National Assembly |
| | • Implementation by the Southern Sudan Legislative Assembly of the following laws: Criminal Code and Criminal Procedures Acts; Code of Civil Procedures Acts; Child Act; Code of Evidence Act; Judiciary Act; SPLA Act; Local Government Act; Government of Southern Sudan Anti-Corruption Act; Southern Sudan Human Rights Commission Act |
| | • Functional Human Rights Commission |
| | • Passage of National Security Act by Sudanese Parliament |
| | • Passage of Prisons Act by Sudanese Parliament |

Map No. 4249 Rev. 12 UNITED NATIONS
October 2009

Department of Field Support
Cartographic Section

United Nations S/2009/546

Security Council

Distr.: General
22 October 2009

Original: English

# Letter dated 19 October 2009 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Mission in Liberia (UNMIL), established by Security Council resolution 1509 (2003) of 19 September 2003, whose mandate was extended by Council resolution 1885 (2009) of 15 September 2009.

Following the usual consultations, I would like to inform you of my intention to appoint Lieutenant General Sikander Afzal (Pakistan) as Force Commander of UNMIL. Lieutenant General Afzal will replace Lieutenant General A. T. M. Zahirul Alam (Bangladesh), whose tour of duty ends on 19 October 2009. I would like to take this opportunity to express my gratitude to Lieutenant General Alam for his contribution to UNMIL.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

09-57236 (E) 221009

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United Nations S/2009/547

Security Council

Distr.: General
22 October 2009

Original: English

# Letter dated 22 October 2009 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 19 October 2009 (S/2009/546) concerning your intention to appoint Lieutenant General Sikander Afzal (Pakistan) as Force Commander of the United Nations Mission in Liberia (UNMIL) has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(*Signed*) Le Luong **Minh**
President of the Security Council

09-57244 (E) 221009

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United Nations S/2009/543

# Security Council

Distr.: General
22 October 2009
English
Original: Arabic/English

## Letter dated 21 October 2009 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I would like to refer here to the twenty-eighth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999) (S/2009/539), which deals with the issue of missing Kuwaiti and third-country nationals, as well as missing Kuwaiti property, including the national archives.

I wish here to emphasize the position of the State of Kuwait in support of the recommendation of the Secretary-General, contained in paragraph 26 of the report, that the Security Council extend the financing of the mandate of the High-level Coordinator, Ambassador Gennady Tarasov, until June 2010 in order to achieve its objectives and promote the process of confidence and cooperation-building between Kuwait and Iraq.

I also wish to draw your attention to what is noted in paragraph 24 of the same report, that progress remains fragile and that the main task of discovering and identifying the victims has not been achieved yet. This objective can be achieved only through increased cooperation between the two countries within the framework of the Tripartite Commission, with the continued support of the international community and the Security Council.

Regarding Kuwaiti property, little of what is missing has been recovered. Also, the national archives, referred to in the report of the Secretary-General, have not been found yet, despite their historic value and importance for the State of Kuwait.

Allow me to emphasize that the State of Kuwait considers that the reduction of the term of mandate of the High-level Coordinator will have a negative impact on the full implementation of paragraph 14 of resolution 1284 (1999).

In view of the above, the State of Kuwait requests the extension of the Coordinator's mandate until June 2010, based, among others, on the above-mentioned facts.

I am also pleased to refer to our appreciation of the continued efforts carried out by the Technical Subcommittee, under the leadership of the International Committee of the Red Cross and by its members regarding the issue of the missing Kuwaiti nationals.

09-57262 (E) 231009

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Finally, I would like to request that the present letter by circulated as a document of the Security Council.

(*Signed*) Abdullah **Al Murad**
Ambassador
Permanent Representative

United Nations S/2009/549

# Security Council

Distr.: General
22 October 2009
English
Original: French

## Note verbale dated 15 October 2009 from the Permanent Mission of France to the United Nations addressed to the President of the Security Council

The Permanent Mission of France to the United Nations presents its compliments to the President of the Security Council.

Pursuant to paragraph 16 of resolution 1846 (2008), the President of the Security Council will find enclosed herewith a note informing the Security Council of the progress of actions undertaken by France in the exercise of the authority provided in paragraph 10 of the above-mentioned resolution.

09-57294 (E) 281009 291009

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## Annex to the note verbale dated 15 October 2009 from the Permanent Mission of France to the United Nations addressed to the President of the Security Council

## Report on implementation of Security Council resolution 1846 (2008) by France

[Original: English and French]

In paragraph 16 of resolution 1846 (2008) of 2 December 2008, the Security Council "***Requests*** *States and regional organizations cooperating with the Transitional Federal Government to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above*".

In accordance with this provision, France wishes to inform the Security Council of the measures it has taken to implement the resolution.

### I. Implementation of paragraph 4 of resolution 1846 (2008)

"***Calls upon*** *States, in cooperation with the shipping industry, the insurance industry and the International Maritime Organization, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;*".

Shipowners' professional associations in France have established best management practices (BMPs) if under the threat of attack or attack when sailing off the coast of Somalia in the Gulf of Aden. These practices were validated by the International Maritime Organization (IMO) in June 2009. France has encouraged its shipowners and shipping industry to apply them. Shipowners' adoption of BMPs has been very satisfactory. They would, however, like to see a single point of entry for all calls from vessels in distress.

### II. Implementation of paragraph 5 of resolution 1846 (2008)

"***Further calls upon*** *States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;*".

#### 1. Multilateral measures

At the subregional IMO conference, held from 16 to 29 January 2009, participating States adopted a code of conduct that provides for the establishment of a regional coast guard training centre in Djibouti and regional and subregional information-sharing centres in Sanaa, Dar es Salaam and Mombasa, building on existing centres in Mombasa and Dar es Salaam. These efforts aim to provide coastal States in the region with the means to combat piracy.

We have also actively participated in Working Group 1 of the Contact Group on Piracy off the Coast of Somalia devoted to building regional capacity in the area of maritime security. France was thus able to take part in the most recent needs assessment mission in this area, conducted by the Working Group 1 in Kenya, Ethiopia and Djibouti.

### 2. Community measures

Beginning in 2010, the European Union is expected to provide financial support for the training centres through the Critical Maritime Routes project (2009) under the long-term component of the European Commission's Instrument for Stability. Some €4 million are thus earmarked for 2010 (including €1.5 million for each of the two newly established centres).

At the same time, we are encouraging the European Union to swiftly define its comprehensive approach to Somalia, particularly in the area of maritime safety. We support the development of concrete projects that can be implemented rapidly using Community instruments. This means supporting existing projects such as the Djibouti Code of Conduct and embarking upon new ones that are likely to have an immediate impact on counter-piracy efforts (development of a coastal police force and a maritime administration, for example).

### 3. Action by France

France provides technical support to the maintenance of Djibouti vessels and helps improve their operational capacities. Our goal is to help Djibouti build its capacity to monitor its coasts and to intervene swiftly and efficiently in the water off its coasts.

## III. Implementation of paragraph 9 of resolution 1846 (2008)

"***Calls upon*** *States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;*".

### 1. European action

At the French-Spanish Summit in Zaragoza, Spain, on 27 June 2008, Prime Minister François Fillon and his Spanish counterpart, José Luis Zapatero, issued a joint appeal to their European partners for a European Union initiative on combating piracy off the coast of Somalia and in the Gulf of Aden.

Concrete action on this proposal was taken on 15 September with the creation of the European Union Naval Coordination Cell (EU NAVCO) led by a Spanish admiral. It was tasked with coordinating action conducted nationally by member States (essentially France and Spain) to counter piracy off the coast of Somalia.

Operation Atalanta was officially launched on 8 December 2008 by the ministries for foreign affairs of European Union member States.

Operation Atalanta, the first naval operation of the European Security and Defence Policy (ESDP), brings together all the member States with navies as well as non-member States (Norway, Switzerland, Croatia).

Mobilizing substantial operational means, a dozen EU member States are taking part in Atalanta. Throughout the year of the operation's mandate, it has provided four to eight frigates, two to four helicopters and one to two maritime patrol aircrafts in the area.

Operation Atalanta also foresees the involvement of third countries at varying levels of cooperation (information-sharing, distribution of intervention situations, coordination, cooperation). A framework has been defined with this aim for several countries: Russian Federation, China, India, Malaysia, Saudi Arabia, Japan.

European Union action has three main components:

- Measures to accompany civilian European vessels that are the most vulnerable passing through the Gulf of Aden;
- Measures to escort vessels chartered by the World Food Programme (WFP);
- A monitoring mission in the Indian Ocean.

Moreover, France has stationed soldiers on board French tuna ships off the coast of the Seychelles to ensure their security.

### 2. Participation by France

France contributes to Operation Atalanta on a permanent basis, providing one to five frigates and a maritime patrol aircraft. Airborne Warning and Control Systems (AWACS) were also used from 25 August to 10 September 2009, on the orders of Force Headquarters (FHQ) in specific operations aimed at deterring pirates from carrying out further attacks and conducting an intelligence mission.

France is expected to take command of the force from August to December 2010 after Italy and Sweden.

## IV. Implementation of paragraphs 14 and 15 of resolution 1846 (2008)

Paragraph 14: "***Calls upon*** *all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution*;".

Paragraph 15: "***Notes*** *that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ('SUA Convention') provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; urges States*

*parties to the SUA Convention to fully implement their obligations under said Convention and cooperate with the Secretary-General and the International Maritime Organization to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;*".

**1. France's jurisdiction for acts of piracy committed abroad by foreign nationals**

Unlike international law, French law does not define "piracy"; therefore a wide range of offences may be deemed to constitute "piracy".

A number of legal provisions authorize France to exercise jurisdiction regarding acts of piracy committed abroad.

- Article 113-3 of the Criminal Code provides that "*French Criminal Law is applicable to offences committed on board ships flying the French flag, or committed against such ships, wherever they may be. This is the only law applicable to offences committed on board ships of the French navy, or against such ships, wherever they may be*".

- Moreover, article 113-7 of the Criminal Code can be applied. This article provides that "*French Criminal law is applicable to any felony, as well as to any misdemeanour punishable by imprisonment, committed by a French or foreign national outside the territory of the French Republic, where the victim is a French national at the time the offence took place*". Article 689 of the Code of Criminal Procedure expressly establishes the jurisdiction of French courts.

- Furthermore, article 689-5 of the Code of Criminal Procedure provides that "*for the purposes of implementing the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf signed in Rome on 10 March 1988, any person guilty of any of the following offences may be prosecuted and tried in accordance with the provisions set out in article 689-1:*

  *1. Felonies defined in articles 224-6 and 224-7 of the Criminal Code;*

  *2. Intentional offences against life or physical integrity, destruction, defacement or damage, threats to commit an offence against persons or property punishable by Books II and III of the Criminal Code or offences characterized in article 224-8 thereof by article L. 331-2 of the Maritime Harbours Code, if the offence endangers or is liable to endanger the safety of maritime navigation or a fixed platform on the continental shelf;*

  *3. Intentional offences against life, torture and acts of barbarity or acts of violence punishable under Book II of the Criminal Code, if the offence is related either to the offence defined under point 1, or one or more offences liable to endanger the safety of sea-lanes or of a platform specified under point 2.*"

Nonetheless, under article 689-1 of the Criminal Code, the French courts have jurisdiction only if the person who is found guilty of the offences enumerated in article 689-5 "is in France".

Thus, French courts and French criminal law may be applied provided that a connection with France is established: for example, a ship targeted by an act of piracy is French or one of the victims is French, the perpetrator is in France, or France has intervened against the pirates in the high seas.

## 2. Implementation of criminal procedure for acts of piracy committed abroad by foreign nationals

### • Transfer of prisoners to Somalia

Many times France has transferred pirates arrested in a national framework (local authorities in Puntland, under an agreement with the Transitional Federal Government) to the competent Somali authorities, on the understanding that they will comply with international humanitarian law and refrain from imposing the death penalty.

### • Transfer of prisoners to a third country in the region

The inability of Somalia to fully exercise its jurisdiction to prosecute pirates, coupled with the reluctance of third countries (flag States, States of the nationality of victims and States arresting perpetrators) to take responsibility for prosecuting captured pirates led the European Union to opt for alternative solutions. Thus far, the preferred approach has been to conclude bilateral agreements with stable countries in the region of the Gulf of Aden that are willing to exercise their jurisdiction.

The European Union thus concluded a standing agreement with Kenya in March 2009 with a view to handing over pirates to be tried and imprisoned. A similar agreement is being finalized with the Seychelles.

In terms of financing, €1.7 million was provided to Kenya as an expense mechanism to help the authorities adjudicate the cases of about 150 pirates.

### • Transfer to the State of services that conducted the arrest

France, in the cases of the *Ponant*, the *Tanit* and the *Carré d'As* incidents, decided to transfer those accused of piracy to France to be tried. The United States of America, the United Kingdom of Great Britain and Northern Ireland and the Netherlands have made similar choices. Judicial proceedings are under way in these countries.

France has supported the Contact Group on Piracy in setting up, on 10 September 2009 in New York, a multi-donor trust fund to support initiatives to tackle piracy off the coast of Somalia. It has financed efforts to prosecute and punish pirates captured at sea (expenses, structural action to build capacity of countries in the region). France has announced its intention to contribute funds and has put forward its candidacy to take part in the steering group for this fund.

United Nations S/2009/550

# Security Council

Distr.: General
22 October 2009

Original: English

## Note verbale dated 14 October 2009 from the United States Mission to the United Nations addressed to the Secretary-General

The United States Mission to the United Nations has the honour to refer to the attached letter (see annex) referencing paragraph 16 of Security Council resolution 1846 (2008) and would be grateful if the present note verbale and its annex could be circulated as a document of the Security Council.

09-57252 (E) 281009

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## Annex to the note verbale dated 14 October 2009 from the United States Mission to the United Nations addressed to the Secretary-General

11 September 2009

As called for by the Security Council in paragraph 16 of its resolution 1846 (2008), the United States is providing the following information on the progress of actions undertaken by it under the authority provided in paragraph 10 of that resolution in cooperation with the Transitional Federal Government of Somalia in the fight against piracy and armed robbery at sea off the coast of Somalia. We note that, in accordance with paragraph 7 of Security Council resolution 1816 (2008), the Transitional Federal Government had already provided advance notification to the Secretary-General on 1 September 2008, that the United States is cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia.

The authorities provided in paragraph 10 of resolution 1846 (2008) and paragraph 6 of Security Council resolution 1851 (2008) have proved essential to United States counter-piracy operations in the region and can effectively preclude pirates from using the Somali territorial sea as a safe haven to elude forces operating in the area. In addition, the United States has undertaken actions within the territorial sea of Somalia to ensure that dangerous cargo is not offloaded from pirated ships to individuals or entities for use in a manner that would be destabilizing to the region. In certain circumstances, the United States has also undertaken actions in the territorial sea of Somalia to isolate pirates from resupply. The United States continues to undertake actions within the territorial sea of Somalia to maintain awareness and gather information on pirate activity and movements, as well as to monitor and attend to the safety, well-being and plight of the hostages held on board pirated vessels.

In addition to these actions, the United States operates with the Combined Maritime Forces Coalition to patrol the Maritime Security Patrol Area in the Gulf of Aden that was established on 22 August 2008. The patrol area is utilized by Coalition and other forces to effectively deploy available forces in areas of high risk and thereby reduce the response time for attacks on vessels that are using the International Recommended Transit Corridor for the Gulf of Aden. The Coalition will continue these patrols while the international community develops long-term solutions to prevent attacks.

The United States continues to work closely with the Transitional Federal Government and interested States to address piracy and armed robbery off the Somalia coast. We are encouraged by the level of interest in combating this problem. Following the adoption of Security Council resolution 1851 (2008), the Contact Group on Piracy off the Coast of Somalia was established on 14 January 2009 to act as a common point of contact between and among States, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast. To date, the Contact Group has increased military-to-military cooperation, in addition to military and civilian cooperation in the area, started to harmonize regional capacity-building efforts and facilitated the enhancement of the shipping industry's self-awareness and other capabilities for vessels passing through the region. In concert with the International Maritime

Organization and other Contact Group participants, flag States and those with significant numbers of mariners, as well as those involved in the maritime industry, are being continually encouraged to redouble efforts in training related to the implementation of internationally recognized best management practices to avoid, deter or delay pirate attacks. The Contact Group is also exploring the establishment of an international trust fund to support counter-piracy initiatives. The Contact Group, which met on 10 September 2009, will continue to periodically report on its overall progress to the Security Council.

In the light of the ongoing international efforts and coordination to combat piracy, we anticipate the need for a continuation of the authorities that currently enable action against piracy, as reflected in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008). These authorities were specified for a 12-month period, which will end on 2 December 2009.

We look forward to continuing our cooperation with all interested parties to secure the safe passage of all marine traffic off the coast of Somalia.

(*Signed*) Susan E. **Rice**

United Nations S/2009/551

# Security Council

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22 October 2009

Original: English

## Letter dated 21 October 2009 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

I would like to refer herein to the twenty-eighth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999), contained in document S/2009/539, which deals with the issue of missing Kuwaiti and third-country nationals, as well as missing Kuwaiti property, including the national archive.

I also wish to clarify herein the position of the Republic of Iraq in support of the extension of the financing of the mandate of the High-Level Coordinator, Ambassador Gennady Tarasov, until February 2010.

Finally, I would request your Excellency to circulate the present letter as a Security Council document.

(*Signed*) T. Hamid **Al-Bayati**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

09-57276 (E) 231009

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United Nations S/2009/552

Security Council

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# Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country

## I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999), by which the Council requested me to keep it regularly informed and to submit a report on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS). Subsequently, in paragraph 14 of its resolution 1876 (2009), the Council requested me to submit a written report every four months on progress in establishing the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS), with the first report due by 31 October 2009. The report covers developments since my last report (S/2009/302), dated 10 June 2009, with particular focus on the tension that followed the political assassinations of 5 June 2009, as well as the presidential elections of 28 June 2009 and the run-off that was held on 26 July 2009.

## II. Political developments

2. The period under review was dominated by the tension that followed the assassinations of presidential candidate and former Minister of Territorial Administration, Baciro Dabó, and former Minister of Defence, Helder Proença, on 5 June 2009, on the eve of the official launch of the electoral campaign. The presidential elections held on 28 June, with a run-off between the two leading candidates on 26 July, passed peacefully, without major incident. Malam Bacai Sanha, the candidate of the governing African Party for the Independence of Guinea and Cape Verde (PAIGC), won the second round of the presidential elections, against former President Mohamed Yalá, candidate of the opposition Social Renewal Party (PRS). In his inauguration speech on 8 September, President Sanha expressed the wish to open a new chapter in the political life of the country on the basis of dialogue, stability and social justice, in which the rule of law and the sanctity of human life would be respected to the fullest. He pledged that peace and stability, based on reconciliation, would be the cornerstone of his presidency. He also stated that efforts would be made to shed more light on the March 2009 assassinations in



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order to end impunity in the country. Among those who attended the ceremony were the Heads of State of Burkina Faso, Cape Verde, the Gambia, Nigeria and Senegal.

3. I was represented at the inauguration ceremony by Assistant Secretary-General for Political Affairs Haile Menkerios. During his visit, Mr. Menkerios held extensive consultations with President Sanha, Prime Minister Carlos Gomes Júnior and other national stakeholders, the United Nations country team and other international partners on international support to national efforts aimed at ensuring political stabilization, peace consolidation, implementing public administration and security sector reforms, and completing the national investigations into the political assassinations of March and June 2009. These consultations also included discussions on the establishment of UNIOGBIS in January 2010.

4. Following the inauguration ceremony, Raimundo Pereira, who had served as Interim President following the assassination in March 2009 of President João Bernardo Vieira, resumed his mandate as the Speaker of the National Assembly. The Assembly is now preparing for the convening of a national conference on the theme "Conflicts in Guinea-Bissau: causes, prevention, resolution and consequences". It is envisaged that a series of regional conferences will culminate in a national conference to identify the causes of conflicts in Guinea-Bissau, the contradictions between State and non-State institutions and conflict prevention mechanisms and strategies. It will involve participants from civil society organizations, the justice and security sectors, veterans, faith organizations, women, youth and the media.

5. The participatory dialogue programme led by the National Institute of Studies and Research (INEP) in partnership with Interpeace, Voz di Paz, also resumed its activities for the regional validation of the results of its 10-month grass-roots consultations held in 2008. It is likely that the process will culminate in a national conference in Bissau in November 2009. Voz di Paz is working with the National Assembly to explore the possibility of collaboration between the two bodies and of synergies between the two initiatives.

## III. Elections

6. Out of 13 candidates, only 11 participated in the presidential elections on 28 June. Pedro Infanda, a lawyer associated with former Navy Chief of Staff Bubo Na Tchuto, who had been accused of a coup attempt in August 2008, withdrew from the race on security grounds. The campaigning period was generally peaceful, although an escalation in negative attacks during the final days of the campaign was observed. Despite the fears and tensions engendered by recent high profile assassinations, the elections were held in an orderly and peaceful manner. The results were not contested and were judged by international observers as free, fair and transparent. During the first round of balloting, Mr. Sanha obtained 39.59 per cent of the votes and Mr. Yalá 29.42 per cent, while the former transitional President, Henrique Pereira Rosa (independent), came in third with 24.19 per cent of the votes. The abstention rate of 40 per cent was the highest since the 1994 multiparty elections. Since no candidate obtained 50 per cent plus one of the votes, a run-off between the first two candidates was held on 26 July. The campaign for the second round was also held in a peaceful manner. The voter and civic education campaigns prior to the run-off focused more on reducing voter abstention. Mr. Sanha won 63.31 per cent of the vote, as against 36.69 per cent for Mr. Yalá.

The abstention rate remained high at 39 per cent. Mr. Yalá conceded defeat shortly after the announcement of the provisional results on 29 July, considerably easing fears of a backlash from his supporters.

7. The United Nations Development Programme (UNDP) supported the Government in planning, resource mobilization and the coordination of donors' support for the elections. Contributions received in 2008 to support the electoral cycle and strengthen national capacities to manage electoral processes allowed for the planning process to start in early March 2009. One of the key innovations was the involvement of civil society organizations, together with the National Electoral Commission, in the conceptualization, planning and implementation of the civic education activities. On 5 and 6 May, the National Electoral Commission, with UNDP assistance, organized a national meeting to map out a strategy for the civic education campaign, which resulted in the establishment of a coordination group of civil society organizations working with the National Electoral Commission/UNDP team. A budget of $4.9 million and a chronogram of activities were jointly prepared with the National Electoral Commission and presented to the international community for support. In addition to providing funds, UNDP mobilized and channelled contributions from the European Commission, the Economic Community of West African States (ECOWAS), Angola, Brazil, France, Germany, Japan, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Portugal provided electoral materials directly to the National Electoral Commission, and Nigeria supported election security operations.

8. At the request of the National Electoral Commission, UNOGBIS coordinated the activities of international election observers, with technical assistance from the Government of Canada. One hundred and eleven international observers were registered by UNOGBIS in the first round, and 106 in the second round. UNOGBIS also coordinated the activities of regional election observation missions, including from the African Union, the Community of Sahel-Saharan States, ECOWAS, the International Organization of la Francophonie and the West African Economic and Monetary Union. Canada, Iceland, Japan, the United Kingdom, the United States of America and non-governmental organizations, including Rencontre africaine pour la défense des droits de l'homme (RADDHO) and Réseau international des observateurs électoraux, also fielded missions under the coordination of UNOGBIS. UNOGBIS facilitated coordination meetings between the various missions and the election observation missions from the European Union (EU) and the Community of Portuguese-speaking Countries, before and after both rounds of the elections, for exchange of information on deployment plans and observation activities. Subregional organizations benefited from greater logistical autonomy in comparison to previous elections.

9. Twenty-two representatives and trainers nominated by the campaign management teams of the 11 candidates, and seven journalists participated in a seminar on the electoral law with special focus on the voting process, organized by UNOGBIS in partnership with the Faculty of Law of Bissau, from 16 to 17 June. This seminar was followed by a training-of-trainers session for electoral agents on 18 June. A second seminar was organized on 15 July for 30 representatives of the two candidates in the run-off. UNOGBIS funded the civic education activities of two youth groups aimed at promoting tolerance and mitigating violence in Bissau during both rounds of the elections. A $20,100 project to support the media coverage of the elections was developed and implemented with the support of

France and the United Kingdom. The project included the organization of a seminar attended by 43 journalists, and the donation of equipment and subsidies to public, private and community radios. Seven newspapers, five national radios, 17 community radios, two news agencies and the national television were sponsored. A team was established to monitor the media coverage of the presidential elections and included representatives of the National Council of Social Communication (Conselho Nacional de Comunicação Social), the journalists' union SINJOTECS, the Guinea-Bissau Human Rights League and the UNOGBIS information unit. The team considered that public and private media had offered fair coverage of the elections despite a lack of resources.

## IV. Military and security aspects

10. The tense atmosphere that followed the 5 June 2009 assassinations has slowly given way to the return of normalcy in the country. Interim President Pereira and the then interim Chief of General Staff Induta attended the thirty-sixth ordinary session of ECOWAS Heads of State and Government, in Abuja, on 22 June 2009. A communiqué issued at the end of the summit urged all stakeholders in Guinea-Bissau, especially the security forces, to take all necessary measures to guarantee a climate of peace conducive to free, transparent and credible elections. The communiqué commended the decision by the President of Nigeria to provide financial assistance in the amount of $3.5 million to cover three months of salary arrears of the armed forces and provide vehicles and communications equipment to them. The payment of the salary arrears contributed to creating the necessary conditions for the military to secure the elections and play a neutral role. The Ministries of the Interior, the Defence, and Territorial Administration, and the National Electoral Commission drew up a security plan for the elections involving the deployment of 1,000 defence personnel and 2,998 security personnel nationwide. The Armed Forces General Staff issued a communiqué on 14 July, calling on both candidates in the run-off to abstain from incitement to disorder and, in particular, from making statements that involved, or could destabilize, the military. It gave the assurance that the military would provide security during the elections without discriminating against any particular political, religious or ethnic groups. Following his election, President Sanha issued a decree on 23 September 2009 confirming the appointment of Navy Captain Zamora Induta as Chief of General Staff of the Armed Forces.

11. On 13 July, the media reported incidents allegedly related to drug trafficking along the border between Guinea-Bissau and neighbouring Guinea. The Guinea-Bissau authorities subsequently increased the level of security alertness on the border. A communiqué from the armed forces stressed that troops were not involved in any of the incidents. On 6 August, the Prime Minister, accompanied by the Minister of Defence and the interim Chief of General Staff, visited the Republic of Guinea to discuss, with his counterpart, concerns over the border issues and give assurances about the commitment of the Government of Guinea-Bissau to maintaining good relations with its neighbours. On 29 September, the Minister of Natural Resources, on behalf of the Government of Guinea-Bissau, expressed concerns over developments in neighbouring Guinea and stated that the Government was working on a contingency response plan, especially with respect to the possible influx of Guineans seeking refuge in Guinea-Bissau. The Chief of General Staff

stated that the Border Guards were on alert, and he gave assurances that there was no threat to the country from a military point of view.

12. A mission from the Department of Economic and Social Affairs and the Office for Disarmament Affairs of the Secretariat visited Bissau from 7 to 11 September to discuss with UNOGBIS and national authorities the possibilities of resuming the project on small arms that was suspended after the assassination of President Vieira. The mission reviewed with the National Small Arms Commission a plan of short and medium-term activities aimed at building government capacity to tackle the issue of the proliferation of small arms and light weapons, including a pilot illicit arms collection and destruction project in conjunction with the ECOWAS small arms programme. On 15 September, the National Commission, with funding from UNOGBIS, held a workshop in Bissau to validate the small arms and light weapons national survey carried out by INEP in 2008.

13. UNOGBIS, in partnership with Radio Sol Mansi, launched a six-month project of two weekly radio programmes targeting audiences from the defence and security forces on topics related to human rights, peace and the restructuring of the armed forces. Three workshops on the role of the police in democracy, human rights, ethics and the use of force and fire arms were organized by the UNOGBIS civilian police unit from 16 to 18 June 2009 for 60 police officers in the regions of Bafatá, Gabú and Buba. Three more workshops on the same topics were held for 60 police officers from 25 to 27 August in the regions of Oio, Cachéu and Biombo.

## V. Security sector reform

14. The ECOWAS summit held in Abuja on 22 June 2009 emphasized the need to send a joint team of experts of ECOWAS and the West African Economic and Monetary Union to assess the needs for security sector reform and financial stability. ECOWAS Heads of State and Government also directed the ECOWAS Commission, in collaboration with the African Union and in consultation with the Guinea-Bissau authorities, to look into the feasibility of setting up a group of experts to monitor the implementation of security sector reform. A preparatory meeting will be held in Bissau in October 2009 to prepare for a meeting later in the year in Abuja focusing on security sector reform.

15. The draft pension fund proposal document, developed with EU financial support, was presented by EU consultants to the armed forces hierarchy on 5 August 2009, and to Prime Minister Carlos Gomes Júnior and the Council of Ministers on 6 August. The document proposes the setting up of two separate pension funds. The first would be transitory and set up for those whose retirement has been deferred, and would require State contributions and international resource mobilization. The second pension fund would be perpetual and sourced from the salaries of future beneficiaries. On 6 October, the document was presented to the members of the security sector reform Steering Committee and reviewed by the Council of Ministers on 8 October. A final decision on several key issues related to the implementation of the pension fund, including the percentage of the salaries that the beneficiaries would receive as their monthly pension, is expected by the beginning of November 2009.

16. On 8 October, the Council of Ministers approved a six-month extension of the mandate of the European mission established to support security sector reform in

Guinea-Bissau (EU security sector reform mission), under the European Security and Defence Policy, which was initially to expire on 30 November 2009. The EU security sector reform mission has already submitted to the Government, for approval and action, a number of laws and organizational documents in the areas of military, police and public prosecution.

17. A mission from the Council of the European Union visited Bissau from 14 to 17 September 2009 to assess the feasibility of future support from the European Security and Defence Policy to the country. The mission submitted its assessment and recommendations to the EU member States on 25 September 2009. A final decision is expected by the end of October 2009.

18. A Brazilian military mission visited Bissau from 14 to 18 September 2009 to identify with the national authorities the site that would host the future Brazilian military and police training and cooperation mission.

## VI. Drug trafficking and organized crime

19. Reports suggest that there has been a downward trend in the trafficking of cocaine through West Africa over the past few months, as well as a decline in drug seizures. However, concerns remain following the identification of clandestine laboratories to produce cocaine, heroin and ecstasy in neighbouring Guinea. This new development is exposing the territory of Guinea-Bissau to the activities of criminal groups, and requires continued efforts from the national authorities and law enforcement entities. Judicial Police officers trained by the United Nations Office on Drugs and Crime (UNODC), with the support of Brazil, EU and Portugal, have increased their presence and intervention in the country. However, the situation in the islands of the Bijagós Archipelago remains fragile in the absence of adequate resources, including law enforcement, communication and transportation capacities. In May 2009, investigators from the Judicial Police anti-drug unit documented a wide network involved in producing false travel documents with the assistance of accomplices working in the public administration, and the smuggling of migrants.

20. From 13 to 17 July, 19 senior magistrates attended a UNODC workshop on international cooperation tools and mechanisms in the fight against drugs and organized crime. The training marked the start of a programme aimed at establishing a specialized pool of judges and prosecutors to support the overall chain of action and ensure effective enforcement of law, prosecution and judgement. In September, UNODC deployed a legal expert to the Ministry of Justice to support UNODC activities in the justice sector and to reinforce the impact and capacity of its technical assistance projects, including the reform of the prison system, the training of public officials, legal counselling and the implementation of international legal standards within the national criminal legal framework.

## VII. Activities of the Peacebuilding Commission and Peacebuilding Fund

21. During the period under review, the Guinea-Bissau configuration of the Peacebuilding Commission continued its engagement with the country. The Permanent Representative of Brazil to the United Nations and Chairperson of the

Guinea-Bissau configuration, Maria Luiza Ribeiro Viotti, visited the country from 7 to 12 September to attend the swearing-in ceremony of President Sanha and to consult with the key national and international stakeholders on the priority actions in the Strategic Framework for Peacebuilding in Guinea-Bissau. Following her visit, the Government, with the Ministry of Economy in the lead, gave fresh impetus to the technical team that had assisted in the drafting of the Strategic Framework and Priority Plan in 2008. The technical team aims to complete preparations for the review of the Strategic Framework by the end of November 2009.

22. Some progress has been achieved in the implementation of the projects funded by the Peacebuilding Fund in Guinea-Bissau. The Ministry of Youth and UNDP project on professional training and employment of youth selected 100 young people for training in the areas of electricity, civil construction, auto repairs, refrigeration and air conditioning, and sewing. Another 100 young people were trained in Bissau in business start-ups and management, with 80 being selected to draft business proposals for funding through selected banks. An additional 120 young people received the same training in the regions of Quinara, Gabu and Cachéu. The training was completed at the end of September and will be followed by a second training programme on the drafting of business plans. With regard to the Ministry of Justice and UNODC project, construction work to rehabilitate selected prisons started in July in Bafata and Mansoa. As part of the Ministry of Defence and United Nations Office for Project Services (UNOPS) project for the rehabilitation of military barracks, the Minister of Defence, in September, endorsed the reformulation of the project document proposed by UNOPS.

## VIII. Economic and social aspects

23. The economic and fiscal situation remains fragile, but there are encouraging signs. Economic growth is set to decline by 0.4 per cent less than the initial forecast of 1.3 per cent, largely owing to record exports of about 132,000 tons of cashew nuts, the main export crop. The Government is up to date with civil service salaries, although it still owes three months of civil service salary arrears from 2008. In addition, the Government has indicated that national revenue increased by 12.2 per cent in the first half of 2009 as a result of measures to strengthen revenue collection. However, during the reporting period, the disbursement of budgetary support from international partners was delayed. Only $12.24 million out of $44 million pledged for this year was disbursed as of early August 2009.

24. On 16 June 2009, the Board of Executive Directors of the World Bank discussed the Interim Strategy Note that sets out the Bank's support to the 2009-2010 reform programmes of the Guinea-Bissau Government. The Board also approved an $8 million grant to Guinea-Bissau to better implement its poverty reduction strategy. On 19 June, the International Monetary Fund (IMF) approved a third emergency post-conflict assistance programme of approximately $2.74 million. IMF noted that recent progress on structural reforms to strengthen fiscal management was encouraging and demonstrated that the authorities had the capacity to implement the proposed programme. At the same time, it recommended speeding up the pace of fiscal reforms to further build capacity and improve confidence in the economy. Satisfactory performance under the emergency post-conflict assistance programme and assigning a poverty reduction and growth facility arrangement remain priorities of the Government in 2009.

25. On 9 September, the African Development Bank (AfDB) and the Government of Guinea-Bissau signed a $12 million grant agreement, including a government capacity-building support project, to improve public administration professional training conditions and quality, as well as to modernize and strengthen national capacities within Guinea-Bissau's economic and financial bodies. Within the framework of this agreement, AfDB and UNDP have developed a joint programme to strengthen national capacities in planning, monitoring and evaluation, and aid coordination. UNDP will implement the AfDB-funded component of the programme.

26. The 2008-2009 school year was extended until the end of August 2009 to compensate for time lost owing to the late start of the school year and teachers' strikes. Although a compromise was reached between the Government and teachers, a large backlog of salary arrears to teachers on temporary contracts persists and the danger of future disruption in classes for the new school year that started in October 2009 remains high.

27. Despite the Government efforts to better control the price of basic food, the cost of rice, the basic staple, increased by an average of 20 to 30 per cent over the past 12 months. The cost of other cereals also remains comparatively high. Commercial imports of rice are estimated at 84,521 tons, while national production is estimated at 53,208 tons. With a view to sustaining the local production of rice, the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) are supporting a food-for-work programme aimed at rehabilitating 2,156 hectares for cultivation in the northern region of Oio. The World Bank funded WFP food-for-work schemes from June to July 2009 in the regions of Bafatá, Biombo, Cacheu, Gabú and Oio, in order to rehabilitate 2,292 hectares and provide 68 tons of seeds benefiting 9,198 households. In addition to these initiatives, the Government, FAO, the World Health Organization (WHO), the United Nations Children's Fund and WFP have signed a new Millennium Development Goal Fund for a three-year nutrition project scheduled to start in October 2009, which would support 20,000 children under the age of five and 15,000 primary school children.

28. No cases of influenza A (H1N1) have been reported in the country, but United Nations agencies, under the leadership of WHO, have supported the Government in designing preparedness and response plans, and strengthening national surveillance and rapid response teams.

29. On 19 June, the Government took delivery of the "Euroafricana" bridge at São Vicente over the river Cacheu, which was funded by EC. The bridge will facilitate the movement of people and goods from Bissau to southern Senegal and the Gambia, and facilitate subregional trade and integration.

## IX. Rule of law and human rights aspects

30. Four people, including a former Air Force Chief of Staff, General Manuel Melciades Fernandes, are still being held by the military in connection with the bomb attack that killed General Tagme on 1 March 2009. In addition, six people, including former Prime Minister Faustino Imbali, were arrested and detained by the military on 5 June 2009, in connection with the coup attempt that was allegedly averted the same day. One of the detainees was the Director General of the State

Intelligence Services, Antero João Correia, who reportedly refused to sign the communiqué of the State body alleging the coup on 5 June. According to the Guinea-Bissau Human Rights League, the detainees showed signs of torture and ill treatment. On 29 June, Mr. Imbali and three other suspects were transferred to the Office of the Prosecutor General and questioned by a commission set up by that office to investigate the alleged coup plot. On 7 July, two of the detainees, including Mr. Correia, were released. Mr. Imbali was later released on bail from preventive detention on 12 August on medical grounds and is receiving treatment outside the country. Domingos Brosca, the remaining civilian detainee, was released on 22 September. Parliamentarians Francisco Conduto de Pina and Roberto Cacheu, cited in the Intelligence Services' communiqué, sought shelter in the Bissau Catholic Church. They appeared before the domestic commission of inquiry investigating the political assassinations of June 2009, which announced, on 14 August, that there was no evidence against them. Despite the ruling, a group of military personnel entered the premises of the Catholic Church on 15 August in an attempt to arrest Mr. Conduto de Pina, a development that was denounced by the bishops of Bissau and Bafata in a letter addressed to the Prime Minister.

31. Following the Prime Minister's request for United Nations support to the investigations into the political assassinations of March 2009, the United Nations, the African Union, ECOWAS and the Community of Portuguese-speaking Countries, held extensive consultations to agree on a joint international support scheme to the national commission of inquiry investigating the incidents. At the same time, consultations at the technical level were held in Bissau, involving UNOGBIS, ECOWAS, the Office of the Prosecutor General and the Judicial Police, on the provision of international forensic, legal and other experts to assist the Commission. An additional request by the Government for support to secure evidence and provide security arrangements for witnesses and national investigators, including officials from the Judicial Police, the Office of the Prosecutor General and relevant courts, is being considered.

32. During the period under review, several incidents of harassment linked to the March and June 2009 political assassinations were reported. A former Secretary of State for Communication and owner of the private newspaper *Diário de Bissau*, João de Barros, told the press that he had resisted street arrest by individuals before being summoned to the State Intelligence Services, in connection with the publication by his newspaper of reports on the June assassinations. The Prosecutor General also reported death threats linked to the March and June events. On 12 August, the Guinea-Bissau Human Rights League, on the occasion of its eighteenth anniversary, denounced the recent assassinations of political and other figures, the widespread prevalence of impunity, persistent cases of arbitrary arrest and detention, curbs on freedom of expression and acts of intimidation by the military and police officers. It urged the Government and military high command to foster respect for human rights and the rule of law.

## X. Implementation of resolution 1325 (2000) and resolution 1820 (2008)

33. During the reporting period, the Gender Thematic Working Group, co-chaired by UNOGBIS and the United Nations Population Fund, continued to provide

support for the reporting process to the Committee on the Elimination of Discrimination against Women and the elaboration of a national policy on gender equity and equality. A national delegation, headed by the President of the Guinea-Bissau Institute of Women and Children and accompanied by staff members from UNOGBIS and the United Nations inter-agency committee on gender, presented for the first time the combined periodic reports of Guinea-Bissau to the forty-fourth session of the Committee on the Elimination of Discrimination against Women in New York, on 3 August 2009. As part of UNOGBIS support for the presidential election, the Mission and UNDP provided financial support to the Women's Political Platform to conduct a countrywide advocacy and sensitization campaign aimed at preventing violence and fostering women's participation.

## XI. Staff security

34. The crime rate continues to be relatively low. However, reports on petty crime increased during the reporting period. Three house burglaries and three street robberies involving United Nations staff members were also reported.

## XII. United Nations Integrated Peacebuilding Office in Guinea-Bissau

35. In accordance with Security Council resolution 1876 (2009), the Department of Political Affairs, the Department of Field Support and the Department of Peacekeeping Operations have initiated transition arrangements for the establishment of UNIOGBIS, effective 1 January 2010. In order to ensure a smooth and timely transition process, in particular with respect to the recruitment of new staff for the integrated office, the current capacity of UNOGBIS is being reinforced through the deployment of a Chief of Staff and a Strategic Planner. The overall budget proposal for the new integrated office has been developed and is currently being considered by the General Assembly. In addition, the Department of Field Support is also providing support to UNOGBIS for the development of a comprehensive transition plan.

36. A team of six members from the United Nations Standing Police Capacity was deployed to Guinea-Bissau from 2 to 30 June 2009. The main objective was to assist UNOGBIS with assessment and strategic planning for the establishment of UNIOGBIS, which will have an expanded role on policing. The Standing Police Capacity team held several meetings with the national authorities, members of civil society, representatives of the international community, the EU security sector reform mission, and relevant international partners, as well as the United Nations country team.

37. The focus was on issues related to the reform, restructuring and rebuilding of the police and other law enforcement agencies as part of security sector reform. A team of five police officers from the Standing Police Capacity started its deployment to Bissau on 12 October to support UNOGBIS to conclude the strategic and operational planning. It is envisaged that the team will also support UNIOGBIS in the first quarter of 2010 to ensure a smooth transition into the new mandate and the efficient start-up of the Mission's expanded police component.

38. The Inter-Agency Task Force on Guinea-Bissau, chaired by the Department of Political Affairs, continued to meet during the reporting period to provide guidance for the establishment of the integrated office, focusing on the development of an integrated strategic framework for the future work of the United Nation system in Guinea-Bissau.

## XIII. Observations

39. I commend the people of Guinea-Bissau, the Government, the National Electoral Commission and the defence and security forces for the peaceful and well-organized presidential elections, which constituted an important step towards achieving political stability and security. I also thank international partners who provided timely and necessary assistance to the National Electoral Commission and other relevant national institutions.

40. I note at the same time that the record abstention rate observed during these elections could reflect voters' frustration, disappointment and disillusionment with repeated elections that have yet to result in tangible peace and development dividends. I therefore urge political leaders to foster dialogue and accountability towards their constituents, in order to reinforce democracy in Guinea-Bissau and regain the confidence of the citizens in their representatives and in the democratic process.

41. I am encouraged that the National Assembly is preparing for a national conference to identify the root causes of conflict and also conflict prevention mechanisms and strategies. I strongly recommend that such an important initiative be inclusive and be built on existing national dialogue programmes. It is also important to capitalize on the positive momentum gained from the recent presidential elections and the optimism observed among the population, national actors and the international community to improve the social and economic situation of the population in order to consolidate peace and fully realize human rights in the country.

42. I urge the President, the Prime Minister and the Government, the National Assembly and State institutions to work together in order to reinforce the democratic process in Guinea-Bissau, promote respect for human rights and the rule of law and meet the population's aspiration for peace, security and socio-economic development. Lessons learned from past experiences show that any change in the political environment, including any cabinet reshuffle, if not undertaken cautiously, could be a motive for further destabilization. The priorities of the Government, including the reforms of the defence and security, justice and public administration sectors, must be implemented.

43. There is a window of opportunity in Guinea-Bissau that must be seized. The United Nations, in particular through the establishment of the integrated peacebuilding office, will aim to capitalize on this momentum to provide better and tangible support to the Government and the people of Guinea-Bissau. I encourage Guinea-Bissau's international partners to continue supporting the country in this regard. I take note of the continued engagement of the Peacebuilding Commission with Guinea-Bissau, and recommend that the Peacebuilding Commission and the Peacebuilding Fund further engage and seek synergies with the Bretton Woods institutions and the African Development Bank. It is also important that the national

authorities and their international partners coordinate their efforts to mobilize and use available resources for better impact.

44. I note with satisfaction that the new President and the Government have reaffirmed their commitment to hold investigations into the political assassinations of March and June 2009. The successful completion of the ongoing investigations will assist in combating impunity and will contribute to justice and national reconciliation. It will also improve the image of Guinea-Bissau and restore the confidence of the international community in the ability of the national authorities and their commitment to human rights, the rule of law, due process and the administration of justice. In this connection, it is vital that consultations continue between the national authorities and the United Nations, the African Union, ECOWAS and the Community of Portuguese-speaking countries, with a view to ensuring international support for the investigations.

45. I would like to conclude by commending the staff of UNOGBIS, under the leadership of my Representative, Joseph Mutaboba, and the personnel of the entire United Nations country team, for the important work they continue to carry out in Guinea-Bissau.

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# Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1879 (2009), by which the Council, following the request of the Government of Nepal and the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN) until 23 January 2010. UNMIN was established as a special political mission in 2007, with a mandate which included monitoring of the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN-M) and the Nepal Army. Following its merger with the Communist Party of Nepal-Unity Centre (Masal) on 13 January 2009, CPN-M was renamed the Unified Communist Party of Nepal-Maoist (UCPN-M).

2. The report reviews the progress of the peace process and the implementation of the mandate of UNMIN since my report to the Council of 13 July 2009 (S/2009/351).

## II. Progress of the peace process

3. The stalemate among the political parties that has held up progress in the peace process remains unresolved, although renewed efforts are being made to break the deadlock and to give a new impetus to some aspects of the peace process. The Special Committee to supervise, integrate and rehabilitate Maoist army personnel resumed its work in September and renewed the mandate of its Technical Committee. The discharge and rehabilitation of the disqualified Maoist army personnel, including those determined by the 2007 verification process to be minors, was officially relaunched on 11 October after a further delay of three months. The Constituent Assembly has made slow progress on drafting the new constitution. Deep differences and mistrust persist between the opposition UCPN-M and the two major parties in the governing coalition, the Communist Party of Nepal-Unified Marxist-Leninist (UML) and the Nepali Congress (NC) over the circumstances that resulted in the resignation of the Maoist-led Government in May, in particular the countermanding by the President, Ram Baran Yadav, of the dismissal of the Chief of Army Staff, General Rookmangud Katawal, by the minority Maoist-led Cabinet. Two Supreme Court cases remain pending on the constitutionality of the actions.

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4. Since entering into opposition in May 2009, UCPN-M has blocked the Legislature-Parliament for all but one month, calling for "civilian supremacy" over the Nepal Army and for the President's action to be addressed. Consequently, the budget for the fiscal year 2009/10 remains to be considered by the House. UCPN-M also organized countrywide protests, which intensified early in September, with some incidents of stone-throwing and clashes between demonstrators and the security forces. Maoist protesters have also picketed public engagements attended by the President, the Prime Minister and Cabinet Ministers.

5. UCPN-M has consistently maintained that the head of the Nepal Army had failed to comply with the instructions of an elected Government and has questioned the constitutional authority of the President in respect of the Nepal Army. On the other hand, NC has stated that the reinstatement by the President of the Army Chief should not be cast in a negative light given that it was made at the request of 18 political parties. Late in September, discussions intensified between NC President Girija Prasad Koirala, Maoist Chairman Pushpa Kamal Dahal "Prachanda" and UML Chairman Jhala Nath Khanal aimed at a joint resolution that would be introduced in the Legislature-Parliament to clarify the executive powers of the Prime Minister and the President. Subsequently, on 3 October, NC and UML shared their draft proposal with UCPN-M, and the three parties formed an informal task force to work on finding a consensus. However, continuing differences among and within the major parties have hindered efforts to overcome the political deadlock. UCPN-M has threatened to introduce a no-confidence motion against the UML-led Government and to resume its protests in the third week of October if its demands are not addressed.

6. NC and UML leaders have spoken positively about the formation of a proposed high-level political mechanism to serve as a dedicated forum for multiparty dialogue on peace process-related issues, while the UCPN-M leaders have stated that their participation in such a mechanism would depend on the resolution of the issue of "civilian supremacy".

7. Controversy also arose over the refusal of the Vice-President to abide by a Supreme Court directive issued on 23 July instructing him to retake his oath of office in Nepali. The three Madheshi parties in the governing coalition, the Madheshi People's Rights Forum-Democratic (MPRF-D), the Tarai Madhesh Democratic Party (TMDP) and the Sadbhawana Party (SP), together with the opposition Madheshi People's Rights Forum (MPRF) and other groups, organized protests in the Tarai against the Supreme Court decision and in support of the Vice-President's having taken his oath in July 2008 in Hindi, which is widely spoken by Madheshis. The three coalition partners have advocated an amendment to the Interim Constitution that would allow the President and Vice-President to take the oath of office in languages other than Nepali, but it could not be pursued while the Legislature-Parliament remained blocked by the Maoist protests. The Madheshi parties have threatened to intensify their protests over the issue.

8. UCPN-M appears to be preparing for fresh protests, with the formation of a 144-member Revolutionary United Front that would lead a "joint national people's movement" to press for "civilian supremacy" and prepare for the establishment of a UCPN-M-led national unity Government. The movement's 45-point manifesto addresses a range of issues, including social and economic reform, State

restructuring and peace process-related issues such as the integration of the two armies and the social inclusion of traditionally marginalized groups.

9. During the reporting period, contradictory signals were given about whether the Government intended to proceed with a fresh round of recruitment into the Nepal Army and resume the import of lethal military equipment, as requested by the Army. In the assessment of UNMIN, either step would violate the terms of the Comprehensive Peace Agreement and the Agreement on Monitoring the Management of Arms and Armies. UNMIN has continued to consistently convey this position to the Government and the public. The Minister of Defence, Bidhya Bhandari, has called for the Comprehensive Peace Agreement to be revised, claiming that restrictions it places on recruitment, arms purchases and training had been detrimental to the effective functioning of the Nepal Army. UCPN-M has strongly protested her statement.

10. In my meeting with the Prime Minister, Madhav Kumar Nepal, at Sharm el-Sheikh in July, I conveyed the strong concern of the international community at the lack of progress in the peace process and stressed the need for a time-bound effort to resolve the impediments hampering the process. My Representative in Nepal and other senior officials have consistently encouraged consensus and dialogue between the parties, recommending the establishment of a more formal dialogue mechanism to streamline negotiations and find creative solutions to overcome the current impasse. At the same time, my Representative has also underlined the need to avoid provocative statements or actions in order to maintain a positive climate for dialogue.

## A. Drafting of the constitution

11. The Constituent Assembly has faced repeated delays in drafting the new constitution. Following the resignation of Mr. Nepal as Chairman of the Constitutional Committee owing to his appointment as Prime Minister, the position was vacant for three months. Efforts to reach a consensus between the governing coalition and UCPN-M on the new Chairman failed, and Mr. Nilamber Acharya, nominated by NC, was elected to the position. The Committee has the primary responsibility within the Constituent Assembly of ensuring that a new constitution is promulgated by 28 May 2010. The Committee revised the schedule for the sixth time, giving the Assembly until 15 December to complete debates on the remaining five thematic concept papers. Subsequently, following a plenary discussion and a month-long public consultation, the Constitutional Committee will prepare the final draft. The delays have led to growing public speculation and concern that the May 2010 promulgation deadline will not be met.

12. The Constituent Assembly faces several challenges in completing its work, the most significant of which are the fundamental differences between the major political parties on core issues, including the form of the country's new federal structure and the system of governance. Several parties have submitted proposals on these matters, which have yet to be substantively discussed, while the five thematic committee concept papers that the Assembly has already debated include notes of dissent. The Chairman of the Constituent Assembly, Subas Nembang, and Constitutional Committee Chairman Acharya have recently called for the parties to

build trust and engage in dialogue aimed at resolving key outstanding issues by consensus in order to meet the deadline.

## B. Integration and rehabilitation of Maoist army personnel

13. Following months of discussion over its composition, the Special Committee to supervise, integrate and rehabilitate Maoist army personnel was reactivated and met on 1 September, setting a six-month time frame for the completion of its work. The Committee is now chaired by the Prime Minister and includes two members each from UCPN-M, NC and UML and one each from MPRF, MPRF-D and TMDP. The Technical Committee, whose mandate was extended for three months, was directed to prioritize proposals regarding the Special Committee's supervisory authority over the Maoist army and has proposed a mechanism for the supervision, as well as a code of conduct for Maoist army personnel.

14. The Technical Committee resumed its assessment of the Maoist army cantonments, which is to be completed by the end of October. The visits undertaken have afforded the Committee members direct contact with and feedback from Maoist army commanders regarding the issues under the Committee's purview and have been useful confidence-building measures. The Committee has also consulted with the Nepal Army, the Maoist army, the Armed Police Force, the Nepal police, the National Investigation Department and civil society organizations.

15. On 9 September, Lieutenant General Chhatra Man Singh Gurung took up the position of Chief of Army Staff, following the retirement of General Katawal. He has expressed the view that integration is a purely political matter and that the Nepal Army will comply with the decisions of the Special Committee in that regard.

## C. Discharge of disqualified Maoist army personnel

16. The Ministry of Peace and Reconstruction announced on 16 July that the discharge and rehabilitation of the 4,008 Maoist army personnel disqualified in the verification process would commence the following day. On 17 July, the process was officially launched with a visit to a Maoist army cantonment site in Nawalparasi district by Ministry officials accompanied by representatives of UNMIN, the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF). During the visit, a group of disqualified Maoist personnel expressed their strong dissatisfaction with the proposed discharge process.

17. Following repeated commitments by the Government and Maoist leaders to move the process forward and numerous low-key consultations, the parties appointed a Steering Committee chaired by Minister for Peace and Reconstruction, Rakam Chemjong, as well as a working-level Technical Committee to oversee the process. On 11 October, the process was relaunched at main cantonment site 2 in Sindhuli district at a ceremony characterized by a spirit of renewed cooperation, where messages of support for the process were delivered by the Maoist army leadership, the Minister and the United Nations. This was followed by briefing and consultation sessions for the disqualified Maoist army personnel in main cantonment site 2 and its three satellite sites. Similar briefings are planned for the remaining cantonment sites in the coming weeks.

18. Further to Security Council resolution 1612 (2005), UCPN-M has been listed five times in the annexes to the annual report of the Secretary-General on children and armed conflict, in which parties recruiting or using children in situations of armed conflict are named. There are several criteria for being de-listed from the report, including joint Government and UCPN-M engagement in finalizing and implementing a "time-bound" and "concrete" action plan to discharge the 2,973 minors from the Maoist army cantonments. This must be done in close cooperation with the United Nations. The Special Representative of the Secretary-General for Children and Armed Conflict has continued to press UCPN-M and the Government to fulfil the long-delayed commitment to the discharge of minors.

### D. Other challenges affecting the peace process

19. Public security remains a matter of serious concern, especially in the Tarai, where many armed groups continue to operate in a climate of impunity, and in some hill districts in the eastern and mid-western regions. The Government, represented by the Minister for Peace and Reconstruction, held two rounds of talks with five Tarai armed groups in August and September. The talks ended inconclusively, and a new round is scheduled for 6 November.

20. On 26 July, the Cabinet approved the national Special Security Plan aimed at improving the law-and-order situation, particularly in the Tarai and eastern hills. Implementation by the Nepal police and the Armed Police Force has begun, and the Government has claimed that there has been a reduction in violent crimes. However, several Madheshi leaders criticized the plan, which has not been made public, alleging that extrajudicial methods were being used. The Government has also proposed recruiting up to 11,000 additional personnel into the Nepal police and 5,000 into the Armed Police Force, to increase the forces' strength to 67,000 and 30,000, respectively.

21. Several ethnic groups, some Maoist-affiliated, as well as new identity- and ethnic-based organizations, have been protesting to press the Government to implement past agreements and to lobby for a federal system with ethnically based states. Some of these, including Tharu and Limbu organizations, have been using increasingly aggressive rhetoric, and militant groups associated with them have reportedly increased their recruitment of young people.

## III. Status of the United Nations Mission in Nepal

22. As at 16 October, 261 of the 278 authorized personnel were assigned to the Mission. Of 191 civilian personnel, 30 per cent are women. Of the 52 substantive staff, 42 per cent are women, while 26 per cent of 139 administrative staff are women. As at 16 October, 3 of the 70 arms monitors serving with the Mission were women, gender representation in this area being dependent on the nomination of candidates by Member States. UNMIN efforts to recruit national staff from traditionally marginalized communities have yielded positive results: 50 per cent of the 123 national staff are from traditionally marginalized groups, and 30 per cent are women.

# IV. Activities of the United Nations Mission in Nepal

## A. Arms monitoring

23. The Arms Monitoring Office continued to monitor the compliance of the Nepal Army and the Maoist army with the Agreement on the Monitoring of the Management of Arms and Armies. Arms monitors continue to maintain round-the-clock surveillance of the Nepal Army weapons storage site and the weapons storage areas at the seven main cantonment sites of the Maoist army. From the main sites, they visit the satellite cantonment sites. Other operations are conducted by mobile teams from the headquarters of the Arms Monitoring Office in Kathmandu.

24. During the reporting period, UNMIN conducted a review of its arms monitoring arrangement and highlighted the need for the Nepal Army and the Maoist army to confirm the number of their respective personnel and increase cooperation with UNMIN on the notification of troop movements. Moreover, UNMIN recommended that confidence in the current monitoring regime could be strengthened through the conduct of joint humanitarian and mine action-related activities by the Nepal Army and the Maoist army.

25. The Joint Monitoring Coordination Committee, which monitors compliance with the Agreement on the Monitoring of the Management of Arms and Armies, continued to meet under the chairmanship of the UNMIN Chief Arms Monitor, and senior officers representing the Nepal Army and the Maoist army continued to cooperate closely on decision-making, the exchange of information, confidence-building measures and the resolution of disputes. During the reporting period, the Committee held five meetings and considered five alleged violations of the Agreement, one of which was substantiated as a violation.

26. During the almost three years of the implementation of the Agreement on the Monitoring of the Management of Arms and Armies, the Maoist army and the Nepal Army have generally complied with the confinement of their forces to cantonments and barracks, respectively, and the storage of the agreed number of weapons. In a serious violation of the Agreement by the Maoist army in August, 19 personnel, some in uniform and in possession of weapons, were detained by police at a checkpoint on the main east-west highway in Kapilvastu district. Following intervention by UNMIN, and with the cooperation of the parties, the incident was peacefully resolved. UNMIN arms monitors, together with the Nepal police, escorted the Maoist army personnel back to their cantonment sites.

27. At the request of the Ministry of Peace and Reconstruction, UNMIN arms monitors witnessed salary payments for August and September to verified Maoist army personnel at the cantonment sites.

28. Light monitoring of arms and armies by UNMIN was an arrangement designed to monitor the temporary confinement of the two armies for the duration of the Constituent Assembly election and not for an extended period.

## B. Child protection

29. The Child Protection Unit continued to contribute to planning for the discharge and rehabilitation of the 2,973 Maoist army personnel who were disqualified as

minors but who remain at the cantonment sites. It is also working closely with UNICEF and UNDP in developing rehabilitation packages for those who were disqualified.

30. The Unit continued to work with the Nepal Task Force on the Monitoring and Reporting Mechanism, which is co-chaired by UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to effectively implement the monitoring and reporting mechanism established in accordance with Security Council resolution 1612 (2005). In view of the deteriorating law-and-order situation in the Tarai, the Nepal-based Working Group on Children Affected by Conflict conducted an assessment of protection concerns of children in nine Tarai districts, which was completed in August. It concluded that the ongoing violence and lawlessness in the Tarai had had a negative effect on children's education and contributed to the increased dropout rate in schools. Some children were also found to be involved with Tarai armed groups as messengers as well as involved in cross-border smuggling. Threats and economic necessity were two key factors that contributed to children's involvement in armed groups.

## C. Political affairs

31. The Political Affairs Office continued to monitor and analyse the political situation in the country, including by means of field visits to the regions, and to assist the Mission leadership in supporting the peace process. Political Affairs Officers met on a regular basis with stakeholders, including Government officials, representatives of political parties and civil society organizations, as well as international actors. The activities of small militant groups, both armed and unarmed, and their potential to disrupt the peace process were monitored, as were the dynamics among the political parties and the evolving role of traditionally marginalized groups in the peace process. The Office continued to assess the status of implementation of the Comprehensive Peace Agreement, as well as other relevant agreements, and monitored proceedings of the Constituent Assembly and the work of its committees in preparing the new constitution.

## D. Public information

32. During the reporting period, the Mission's arms monitoring role was widely discussed in the media in the light of the Kapilvastu incident (see para. 26 above). UNMIN issued a press release providing details about the incident, followed by a statement clarifying the scope of its monitoring responsibility, which is to determine relative compliance with the Agreement on the Monitoring of the Management of Arms and Armies and is not an enforcement or control role.

## E. Safety and security

33. With the notable exception of the Tarai, the security situation has remained generally stable. Strikes and protests by various groups, especially those demanding compensation for victims of vehicular accidents, have continued across the country, in particular in the Tarai. Freedom of movement for United Nations staff has not been denied, however, owing partly to the security forces reducing the obstruction

of roads by demonstrators. During the reporting period, there were no direct threats against United Nations staff.

34. The UNMIN Safety and Security Section maintained close coordination with the United Nations Department of Safety and Security during the reporting period.

## V. Human rights

35. Lack of accountability in many areas is impeding the political transition in Nepal, in particular with regard to violations of international human rights and humanitarian law committed during and since the conflict, which ended in 2006. The Government still has to follow up effectively on promises to ensure accountability for human rights violations committed by Nepal Army personnel during the conflict. Equally, UCPN-M has taken only limited steps to address cases in which its cadres committed serious violence during the conflict and afterwards. In the emblematic case of Maina Sunuwar, a 15-year-old girl tortured and killed by army personnel, the Kavre District Court issued a significant decision on 13 September, calling on the Nepal Army to suspend the one remaining serving officer charged in the case and to turn over witness statements from the Nepal Army court martial proceedings to the court. It has also ordered the District Attorney to produce the defendants and the witnesses. The Nepal Army should comply urgently with the court order.

36. The Army has nominated for extension, promotion and nomination for United Nations peacekeeping operations some senior commanders who were in the chain of command during the period in which detainees were tortured and disappeared from its Maharajgunj barracks in Kathmandu. The Government has temporarily suspended the promotion of one major general pending a review of his responsibility.

37. There has been slow progress on the establishment of transitional justice institutions, although the Government has undertaken some consultations with international and civil society organizations, as well as with conflict victims, on the proposed legal framework for the establishment of a commission of inquiry on disappearances and a truth and reconciliation commission. With support from OHCHR, the Ministry of Peace and Reconstruction has almost completed a series of public consultations on the draft bill that would establish a truth and reconciliation commission and has prepared the final draft of a bill criminalizing enforced disappearances and authorizing the establishment of a commission of inquiry on disappearances. Although the bills in their current form are not fully consistent with international standards, the Government has promised that further revisions will be made. By 13 October, neither bill had been forwarded to the Legislature-Parliament.

38. Public security-related issues, including the failure of the Government to curb the violent activities of armed groups, groups advocating for ethnic autonomy and youth wings of political parties, continue to be the most serious cause of instability in rural areas. It is too soon to assess the impact in terms of human rights of the new Special Security Plan. Although Government efforts to improve public security in the Tarai region in particular are much needed, human rights organizations, including OHCHR in Nepal, have expressed concern at the number of individuals killed in encounters with security forces and at credible allegations of extrajudicial

killings involving police personnel. OHCHR in Nepal has raised concerns about this issue directly with the Nepal police command and Government officials.

39. The National Human Rights Commission has continued to face challenges. Implementation by the Government of the Commission's recommendations has not improved, although the Commission welcomed a verbal commitment by the Prime Minister that he would instruct Government officials to do so. The Commission has also expressed concern about weaknesses in a draft law governing its activities.

40. In September, the Government increased the official death toll in the decade-long (1996-2006) Maoist insurgency by more than 3,000 to 16,278, in line with the provisional findings of a task force working since the end of the conflict to investigate and record casualties.

## VI. Mission support

41. The mission support component has continued to support UNMIN activities effectively throughout the Mission area, with priority being given to the seven main Maoist army cantonment sites. The continued presence of arms monitors at the cantonments and their conduct of mobile patrolling require the wide deployment of UNMIN personnel. Consequently, communications and air transport resources continue to be required to provide the necessary logistical support, security and medical linkages between Kathmandu and the remote deployment locations of arms monitors. The Mission's single air asset, an Mi-8 helicopter, facilitates movements between Kathmandu and the cantonment sites and undertakes other field missions.

42. Following the downsizing of the Mission during the first quarter of 2009, the mission support component has continued to reduce the Mission's material resources.

## VII. United Nations country team coordination

43. The environment for development cooperation remains difficult, as efforts to bridge differences and build trust within and between political parties continue to preoccupy the political leaders at the expense of development. Insecurity, uncertainty over the approval of the 2009/10 budget by the Parliament, the absence of local government and the fact that local peace committees have not yet become widely operational continue to hamper development efforts in rural areas. Despite these challenges, the United Nations country team has launched a number of new peace and development initiatives.

44. On 17 August, UNDP launched the *Nepal National Human Development Report 2009*. In addition to updating human development data disaggregated by factors including caste, region and gender, the report analyses the State transformation agenda and prospects for progress in human development as a result of the peace process. UNDP also launched a five-year Livelihood Recovery for Peace programme during the reporting period, targeting 300,000 households in three Tarai districts. The project will support social cohesion and improved livelihoods in conflict-affected communities.

45. The United Nations Peace Fund for Nepal released a further $2.1 million to UNDP, UNICEF and UNFPA to prepare for the discharge and rehabilitation of disqualified Maoist army personnel. The Fund also released $2 million to OHCHR to initiate a transitional justice programme to support the truth and reconciliation commission and the commission of inquiry on disappearances. The forthcoming application round will prioritize, inter alia, programmes that apply the provisions of Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security and 1612 (2005) and 1882 (2009) on children and armed conflict.

46. Food insecurity continues to dominate humanitarian concerns. A combination of drought and high food prices in Nepal has increased the number of food-insecure people to 3.4 million. The Government is estimating a 400,000-ton cereal shortage for 2009. The cost of staple food in Nepal is now as high as during the peak of the international food crisis in August 2008, and it is expected to rise further. The World Food Programme has added another 700,000 people to its beneficiary caseload, bringing the number of people receiving food assistance to more than 2 million. By 13 October, landslides and floods had affected more than 16,000 families and resulted in 143 deaths.

47. Concerns related to the right to health and food became prominent during the reporting period. Populations in the mid- and far-western regions have suffered as a result of lack of food, water and other basic necessities, including health services. A diarrhoea outbreak in those regions which started early in May had resulted in about 300 deaths by the end of August. In Jajarkot, the worst-affected district, 141 deaths were reported. The diarrhoea outbreak was brought under control in September owing to actions by the Government supported by the World Health Organization (WHO) and other United Nations agencies. WHO continues to closely monitor the situation.

48. On 9 September, the Prime Minister announced a one-year national campaign to end gender-based violence and declared 2010 the Year against Violence against Women. UNFPA, together with the Department for International Development of the United Kingdom of Great Britain and Northern Ireland, supported the launch. UNFPA, UNICEF and the International Labour Organization will begin training conflict-affected girls on gender mainstreaming and gender-based violence, as well as supporting those with vocational skills in gaining employment.

49. The United Nations Mine Action Team in Nepal, comprising the United Nations Mine Action Service and UNICEF, has continued efforts to mitigate the threat of mines, improvised explosive devices and other explosive remnants of war, and to develop the capacity of the Nepal Army to meet its clearance obligations under the Comprehensive Peace Agreement. By 16 October, 17 of the 53 minefields had been cleared. The Mine Action Team provided technical and management training to Nepal Army personnel during the reporting period. It also continued to support the Maoist army in the clearance of the remaining explosive items stored at the main cantonment sites. Demolitions have been carried out at six of the seven main cantonment sites, and 28,208 items have been destroyed.

50. The Ministry of Peace and Reconstruction plans to set up a mine action office by December which will be in charge of the Government's response strategy with regard to improvised explosive devices, and the United Nations Mine Action Team is discussing support for the office with the Ministry. The Mine Action Team also met with the Nepal Army and the Armed Police Force regarding support for the

clearance of improvised explosive devices and the development of a national response strategy guided by the mine action office.

## VIII. Observations

51. Core commitments in Nepal's peace process have yet to be implemented, and this is a matter of serious concern. Persistent mistrust among the parties, their absorption in day-to-day politics and internal party issues are currently compromising their capacities for flexible negotiation. Recently, the three major parties have come together in an informal task force and begun to discuss contentious peace process-related and constitutional issues. While consultations at all levels continue in an ad hoc manner, it remains my view that a more formal mechanism in support of such interactions among senior leaders would benefit the peace process.

52. The most significant achievement of the peace process to date has been the election of a representative Constituent Assembly. Its central task, and arguably the country's most important challenge, is to draft a new constitution, for promulgation by 28 May 2010. With just over half of the thematic concept papers having been debated by the Assembly, the overall schedule has been revised for the sixth time. Senior leaders of the main parties have generally not taken part in the Constituent Assembly discussions. I urge the parties to devote greater energy, through the Constituent Assembly process and other forums, to addressing issues that have been identified as long-term underlying causes of the conflict, including the restructuring of the State, land reform and other socio-economic challenges. To date, there has been little by way of agreed strategies for moving forward on these vital issues.

53. The recent initiative to restart the discharge of the disqualified Maoist army personnel and the joint engagement of the Government and the Maoists alike in that exercise should augur well for the peace process after months of drift. It is still too early to be confident about the success of the initiative. It is therefore critical that the Government, UCPN-M and the Maoist army sustain their cooperation and implement this long-overdue commitment as soon as possible.

54. The Prime Minister and the new Chief of Army Staff have underlined their commitment to the democratization of the Nepal Army. In the light of the need to bring the Army to an appropriate size, and given the very significant growth foreseen in other security forces, an overall strategy for this sector would be timely. I encourage the Government to continue to demonstrate the respect it has shown during the period for the provisions of the Comprehensive Peace Agreement as regards restrictions on recruitment and on the procurement of lethal military equipment.

55. Serious violations of the Agreement on the Monitoring of the Management of Arms and Armies have remained minimal for the past three years, and actors from across the political spectrum and from civil society have conveyed to my Representative their acknowledgment of UNMIN support in that regard. However, maintaining the current monitoring arrangements, designed for an earlier period of the peace process, for a prolonged period carries significant risks. Light monitoring by UNMIN cannot substitute for the urgent action required on the integration and rehabilitation of the Maoist army personnel and the "democratization" of the Nepal Army, as envisaged by the agreements. I call on all parties to arrive at a consensus

on the future of the Maoist army personnel, as this is one of the cornerstones of the peace process. Prime Minister Nepal has conveyed to the United Nations his intention to urgently work with all parties to complete the integration and rehabilitation process with a minimum of delay. The process is a major undertaking, and it is essential that all parties proceed with careful planning and sufficient clarity of substance and process. UNMIN will remain available to assist, as required.

56. The reconstitution of the Special Committee and the resumed work of the Technical Committee are positive steps. I hope that their work will proceed with the full commitment of all parties. UNMIN continues to work closely with the Technical Committee and will be ready to provide assistance once the Committee has drafted the plan to begin the integration and rehabilitation process.

57. Nepal is on the path of major political and social transformation. A Government of national unity remains desirable for timely promulgation of the country's new constitution and for the successful integration and rehabilitation of Maoist army personnel. At the same time, a thorough review of the implementation of the Comprehensive Peace Agreement, which has not taken place since the signing of the Agreement in 2006, could help restore mutual confidence among the parties and revitalize the peace process. The parties should develop a clear road map of the priority actions needed to fulfil the expectations of the people of Nepal for the dividends of democracy and social transformation.

58. The peace process stakeholders have consistently conveyed the view that the role of UNMIN in the nationally driven peace process remains important. As indicated above, initial positive steps have been taken to advance the integration and rehabilitation of Maoist army personnel and the discharge of those disqualified by the 2007 verification process. However, those steps are rather tentative and cannot with certainty be considered sufficient to create the conditions for the completion of the Mission's activities by the end of the current mandate, including implementation of commitments made in the letter from the Government of Nepal dated 7 July 2009 (S/2009/360, annex). This underscores the considerable task that awaits the Nepalese parties in the coming two and a half months. UNMIN and the United Nations as a whole stand ready to assist them in achieving their peace process commitments.

59. I would like to convey my appreciation to the members of the Security Council and other Member States for their continued support to Nepal and the work of the United Nations in support of the peace process. I would also like to thank my Representative, Karin Landgren, and her staff, as well as partner organizations in Nepal, for their dedicated efforts.

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**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Sixty-fourth year**

## Letter dated 26 October 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I write to you today with urgency regarding the perpetration once again of hostile and aggressive actions in Occupied East Jerusalem at the sacred compound of Al-Haram Al-Sharif. We reiterate our appeal for due attention to be given to such acts of violence, provocation and incitement, which threaten to exacerbate already high tensions and sensitivities and to further destabilize the situation on the ground.

In the early morning hours of Sunday, 25 October, the Israeli occupying forces stormed Al-Haram Al-Sharif compound and fired stun grenades, tear gas and rubber-coated steel bullets at Palestinian worshippers. The Israeli attack resulted in the injury of at least 30 civilians and the detention of 20 others, including Mr. Hatim Abdul Qader, the former Palestinian Authority Minister of Jerusalem Affairs. Also among the injured were women, children, and five Palestinian journalists. Despite the use of force and the wounding of many, the Israeli occupying forces refused to grant the medical teams access to evacuate the injured for more than three hours.

The Palestinian civilians who had been at the holy compound gathered there the night before following calls by radical Jewish clerics to their followers to go to the compound. There was also a call by an extremist Israeli religious group, "Eretz Israel Shelanu", which had urged its followers "to properly arise to the Temple Mount". According to Israeli reports, a number of Israeli lawmakers and rabbis were among those expected to participate. Instead of taking appropriate measures against such acts of provocation and incitement by Israeli extremists that inflame religious tensions and fuel senseless violence, the Israeli occupying forces decided to turn their brutality against Palestinian civilians who had been at the holy compound. Following the raid at Al-Haram Al-Sharif, the occupying Power deployed large military and police contingents throughout Occupied East Jerusalem and imposed measures of collective punishment in and around the city.

The clashes that ensued following this confrontation are painfully reminiscent of previous provocations, sanctioned by successive Israeli Governments, which have



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resulted in dangerous escalations on the ground in the Occupied Palestinian Territory. It is imperative to recall that these offensive acts of incitement and provocation are rooted in the Government's extremist position on and incessant aggression against Jerusalem and are constantly fuelled by the incitement of Israeli officials who promote and support Israeli settlers and extremists. In this regard, just hours following the attack on Palestinian civilians at Al-Haram Al-Sharif, a group of Israeli extremists held an event in Jerusalem that was attended by a number of Knesset members and chief rabbis during which calls were made by radical speakers like Hillel Weiss, Moshe Feiglin, Rabbi Yehuda Glick and Rabbi Dov Lior to take control over the holy compound.

As noted in our previous letters on the situation in Occupied East Jerusalem, we reiterate that recent events are the product of predetermined and wilful efforts, with official Israeli complicity and support, to sabotage the efforts to resume the peace process. Such a clear pattern of illegal Israeli actions in the Occupied Palestinian Territory, particularly in and around Occupied East Jerusalem, run against repeated international calls as well as the international will to end the occupation and to end this tragic and bitter conflict. As evidenced by history, over the past decade and a half, Israel has spared no effort to obstruct peace efforts, calling into serious question its credibility as a peace partner and the viability of the process itself.

At this critical juncture, the international community cannot stand idly by as Israel, the occupying Power, persists in illegal and aggressive actions, particularly in Occupied East Jerusalem. The necessary efforts must be exerted, including by the Security Council, to uphold its responsibilities and legal obligations to protect and enforce international law and prevent an already volatile situation from further escalating. Israel, the occupying Power, must be made well aware that the international community will neither recognize nor condone the illegal acts it is attempting to create and entrench in the Occupied Palestinian Territory, including in East Jerusalem.

We thus call for urgent action to compel Israel to cease its illegal practices and to scrupulously abide by all of its legal obligations, including under the Fourth Geneva Convention. This is imperative for preventing the further deterioration and destabilization of the situation and for ensuring the appropriate environment for the resumption of accelerated peace negotiations for the achievement of the two-State solution through establishing a viable, contiguous, and sovereign Palestinian state with East Jerusalem as its capital and ending the Israeli occupation that began in 1967 in accordance with the relevant Security Council resolutions, the principle of land for peace, the Arab Peace Initiative and the Road Map. Israel must be called upon to prove that it actually is committed to peace and international law and not be permitted to continue with actions totally to the contrary.

This letter is in follow-up to our previous 346 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 13 October 2009 (A/ES-10/466-S/2009/534), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian

people, Israel, the occupying Power, must be held accountable, and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

*(Signed)* Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations